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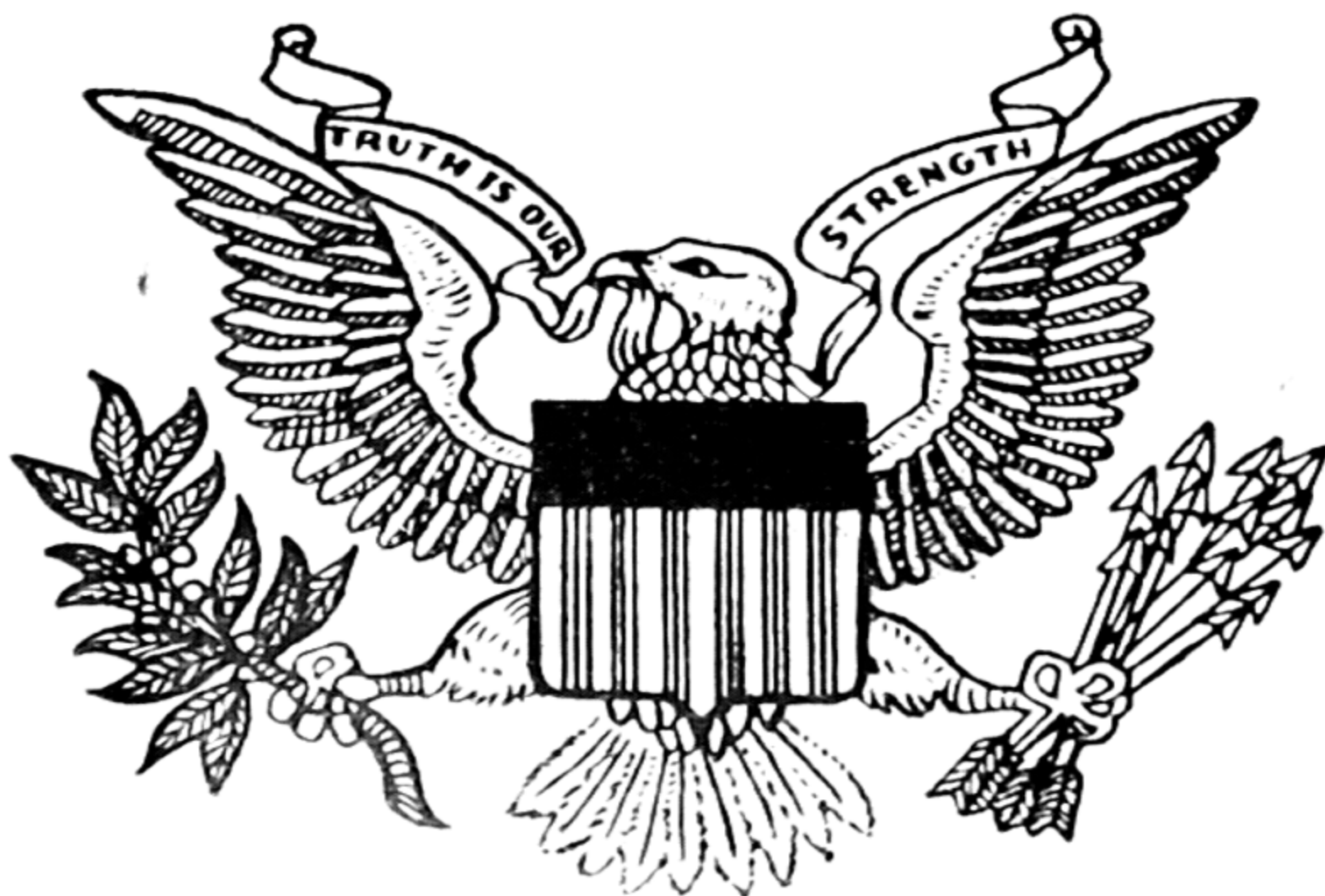
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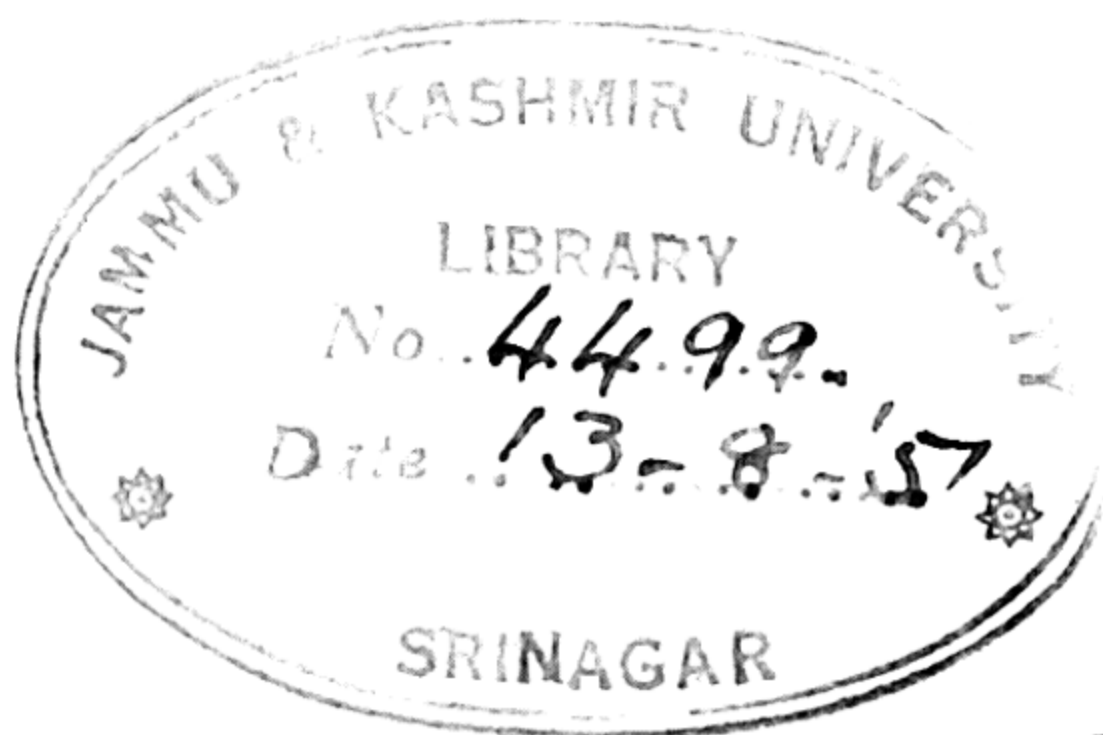
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PREFACE

This little book aspires to nothing more than raising some questions about our American system of state governments. Are the state governments performing well the functions entrusted to them? Are they living up to the expectations of the leaders and the people who established them? Or are they not hamstrung by traditions, fettered by legalistic and political chains forged by practitioners; and at the same time diffused into areas of governance where it was never intended, and is not now desired, that they should go? Are not the states victims of popular, national inattention to their real problems and their fundamental potentialities? Are we ready to face the question: What shall we do about our state-nation system? Should we make minor adjustments? Should we make drastic changes in the structures and functions of the states but retain them as basic political and administrative units; or should we revise and reorganize our entire federal structure?

I am deeply obliged to Dean Thomas C. Donnelly and to Mr. Jack E. Holmes, Director of the Division of Research in the Department of Government, the University of New Mexico, for much kind and helpful assistance. I am also grateful to the University of New Mexico Press and to its staff for their patience and kindness.

It is hoped that this book will be found acceptable to teachers of state government for use as a supplementary textbook. It is also addressed to the layman—the editor, writer, lecturer, businessman, worker, taxpayer, and housewife—and to the public official, who should find here some suggestions for further study and some helpful references to sources of information.

ROY VICTOR PEEL

Bloomington, Indiana
May 1, 1948

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Chapter I

THE PROBLEMS OF METHOD AND SOURCES

The study of state government in the United States is a chaotic and ineffectual business. Until recently, the chief sources of information were law reports and the miscellaneous data on exploration, migration, resources, political groups and personalities, and accounts of the dramatic incidents which went into national, regional, and local histories and biographies. Bryce's *The American Commonwealth*, 1888, was the first general study of American government. It was followed in a few years by more or less general works by Cooley, Burgess, Hart, and Willoughby, but it was not until after 1900 that general texts, suitable for college use, were published. Of these, various editions by Beard, Munro, Ogg, and Ray, and specialized works, such as those by Hall, Merriam, and McLaughlin, were the most widely used during the first three decades of the twentieth century. Jameson's 1887 study of conventions was the first to supplement De Tocqueville and the writings of politicians, political philosophers, and reformers on the constitutional problems of the state governments. But again it was not until after 1900 that political scientists wrote general treatises on state government. F. N. Thorpe's seven volume *The Federal and State Constitutions*, 1909, was only a compilation. P. S. Reinsch's *American Legislatures and Legislative Methods*, 1907, confined itself to legislation, but his *Readings on American State Government*, issued in 1911, may be regarded as the pioneer general source book. A. N. Holcombe's *State Government in the United States*, 1916, deserves credit as the first textbook on American state government. Shortly thereafter, other volumes were written by W. F. Dodd, 1923; J. M. Mathews, 1924; F. G. Bates and O. P. Field,

1928; F. G. Crawford, 1931; A. F. Macdonald, 1934; A. W. Bromage, 1936; and W. B. Graves, 1936.¹

In the meantime, while these texts were being rewritten and revised, there appeared numerous books dealing with special subjects, such as health administration, election laws, political parties, the governor, the budget, and police administration. States began to improve their reports, especially those of a general nature issued by secretaries of state. The National Municipal League devoted much attention to the subject of state government in its *Review* and special publications. Reform organizations, many organized over fifty years ago, carried on campaigns for the improvement of the administrative structure, the civil service, tax administration, education, charities and corrections, and other aspects of state government. Noteworthy achievements were registered in the fields of financial control, civil service, highway administration, and election law and administration.

But more recently there has occurred a change in the source and emphasis of state governmental reform. Within each state, taxpayer associations, supported largely by the leading industries, utilities, and property owners, have gradually displaced the reform groups. In the universities, institutes, and bureaus for business research, local history and study of the problems of education offer lively competition to agencies organized for the objective study of political and administrative processes.

The general dissatisfaction with our entire political structure in the period after World War I resulted in the formation of a multitude of special interest groups which had *action* as their primary objective and used *research* only as a tool, or weapon, for promoting an imperfectly understood cause. In this category we may place the Farm Holiday Association, the

1. The full titles and dates of latest editions are: W. F. Dodd, *State Government* (2nd ed. New York, 1928), J. M. Mathews, *American State Government* (rev. ed. New York, 1934), F. G. Bates and O. P. Field, *State Government* (rev. ed. New York, 1939), F. G. Crawford, *State Government* (New York, 1931), A. W. Bromage, *State Government and Administration in the United States* (New York, 1936), A. F. Macdonald, *American State Government and Administration* (3rd ed., New York, 1945), W. B. Graves, *American State Government* (3rd ed., Boston, 1946); of these, Graves' book is the best general text on the government and federal character of states. Special works on administration have been written by J. M. Mathews and Kirk Porter. Cf. E. R. Gray, "Deficiencies in State and Local Government Data," in W. B. Graves (ed.) *Intergovernmental Relations in the United States*, *Annals*, January, 1940. Hereinafter cited as Graves—Annals.

Association Against the Prohibition Amendment, and the numerous progressive, reactionary, socialistic, internationalistic, and welfare organizations. Out of this ferment evolved new support for old governmental research bureaus, and the creation of new ones. Revolutionary but pragmatic programs for the study of government on all levels were first launched at the University of Chicago, and later at California, Minnesota, Syracuse, New York, Pennsylvania, Texas, Alabama, Illinois, New Mexico, and scores of other universities. To this very day, the majority of the state university bureaus of research have limited themselves to the study of their own state's institutions and practices. A few, such as the schools or institutes of the larger universities, have addressed themselves to special problems of a more general interest. Thus, Harvard University's Littauer School has taken the whole field of public policy as its province. Other examples are: Princeton, public opinion; Denver, public opinion; Wayne University and Indiana's Institute of Politics, politics and administration; Syracuse, citizenship and public affairs; and Minnesota, intergovernmental relations. Finally, one must mention with regret the passing of the Works Progress Administration and the National Resources Planning Board, which performed herculean tasks in compiling legal, historical, and planning data.

While all these forces were at work, private interests were supporting a heterogeneous group of investigations in which the states were only incidental. Such, for example, were the studies of river systems in *The Rivers of America* series, and of market data in the radio chain corporations' studies. But despite all this activity, and partially because of it, many felt, at the end of World War I, that both the uniformity, and completeness of state reports, and coöperation among governmental units were sadly lacking. While recognizing that state reference bureaus, such as McCarthy's at Wisconsin and Kettleborough's at Indiana and such institutions as the Institute of Public Administration and the Brookings Institution had done yeoman service, they felt that there should be established a clearing house for all types and levels of governmental institutions. Accordingly, under the inspiration of such men as Merriam, Brownlow, Moffat, and Gulick, there was set up in Chicago a Public Administration Clearing House, with which was affiliated the

Council of State Governments, the Governors' Conference, the American Legislators' Conference, the National Association of Attorneys General, and the National Association of Secretaries of State. With its associated and service agencies, this organization has become the leading depository of information regarding the state governments. Other agencies, whose help is indispensable in obtaining information about the states, are the Library of Congress and the Bureau of the Census.

From the foregoing it would appear that information about the states was readily available and that the political, administrative, and legislative programs of the various states were being satisfactorily coördinated. But despite all these efforts at throwing light on state government and notwithstanding very real progress in getting more uniform action on the state level, the situation is still bad. To begin with the best, the reports on state judicial action are in good shape. If you want to know what the courts have decided on almost any issue, you can learn the answer rather quickly. But administrative reports are still not uniform or adequate, and the private research agencies ignore vast areas of administration in their inordinate concern for tax statistics. The material on resources is now out of date, and there never has been any reliable guide to personalities. Now and then the popular magazines publish an isolated article on the political machines, but many of these accounts may be defensive or dishonest. The daily press seldom provides any coverage for trends in state government.

Since universities and colleges have been "teaching" state government for only twenty years, not much experience has yet been reported. The earlier texts tried to list all the states which employed this or that device. One would indicate how many and which states had four-year terms for governor, or shared state-collected taxes with the local governments. With forty-eight states to account for, there was not much room for evaluation or prudential conclusions. Mencken and Angoff were of the first to attempt an overall comparative rating.² Mencken concluded that the states of the Old South were the "worst" and the New England states the "best." Although Ridley and Thorn-

2. "The Worst American State," *American Mercury* (1931), vol. XXIV, pp. 1-16, 175-188, 355-371. Cf. E. L. Thorndike, *Your City* (New York, 1939); Guy Greer, *Your City Tomorrow* (New York, 1947).

dike and dozens of other scholars have recently worked assiduously to develop rating scales for administrative units and cities, no one has applied their techniques of measurement and evaluation to states. As a consequence we know very little about the states or even about our system of federal government. But we go right on teaching and learning unrelated facts about the states, and we never see the forest for the trees.

The first and most important reform needed is the establishment of a single bureau or department of the federal government which could compel the submission of full and uniform reports from the states, and which would undertake their publication in summary form. Next, there should be developed hypotheses about state government and scientific procedures for testing them. And, in the meantime, college and university curricula should be changed to provide more study of the functions of governance such as administration, adjudication, legislation, politics, and social control.

Chapter II

THE PURPOSE AND FUNCTIONS OF STATES

The American nation-states which declared their independence in 1776, effected a provisional union through the Continental Congresses and under the Articles of Confederation, and finally formed a federal union in 1787, originated as colonies of England, Holland, Sweden, France, and Spain. During the seventeenth and eighteenth centuries, the Atlantic coast colonies were gradually brought under British rule, and occasionally consolidated into regional unions. Partially because of the nature of their slowly evolving intercolonial ties and their experience with the diverse kinds of government they attempted from 1609 to 1777, majority opinion in the colonies favored some form of federal union. Experience with the Articles of Confederation in its decade of existence was necessary, but the particularism of the states, which made itself felt in the Constitutional Convention, forced the adoption of a compromise constitution. A semi-independence of the states was given recognition in the construction and power of the Senate, and by safeguards for their original inherent, but poorly defined, powers, as well as in the provisions respecting the slave trade and the reckoning of three-fifths of the Negro slaves as part of the basis for popular representation in the House. For fifty years there were recurring disputes about the rights and powers of the state and federal governments. The constitution was a compromise, but it was not a perfect one.

Against the vigorous objections of Randolph, Calhoun, and other leaders from the South, New England, and even the Middle Atlantic states, the central government gained power at the

expense of the states. John Marshall, in his Supreme Court decisions,¹ Jefferson, Jackson, and, to a lesser degree, most of the presidents, through official acts and speeches, and legislative leaders of the type of Webster, had, by 1860, created a strong nation with one major defect. It was sectionally divided. As state particularism declined, regional conflict between the South and the North grew stronger. The Civil war finally put an end to the more extreme phase of the conflict between state and national sovereignty.²

Immediately after the Civil war, the march toward centralization was resumed. The judiciary became increasingly potent as a factor in national supremacy, and it began to supplant Congress as the uniting force in the battle between the advocates of states' rights and federal centralization. At last, in 1890, with the passage of the Sherman law, the executive branch of government took up the cudgels in defense of growing national power. A minor, but not insignificant, reversal of the trend occurred in the 1920's and 1930's when the opponents of prohibition found friends among the advocates of states' rights, and when state governments, usually by legislative action, attempted to erect barriers to interstate trade. Another factor in the balance between national and local powers emerged in the 1870's and has become particularly important during the past fifty years: this is the matter of the control of business. On the one hand, such leaders as Wilson, the Roosevelts, and Norris have urged the use of federal authority to regulate business, whereas Harding, Coolidge, Hoover, Smith, the Eastern Republicans, and the Southern Democrats³ have aligned themselves with the particularists in their concern for private enterprise. Some scholars believe that through coöperation and regional agreements we have met this challenge, but a distinguished foreign observer, Professor H. J. Laski, contends that "American federalism, in its traditional form, cannot keep pace with the tempo of life giant capitalism has evolved . . . (for) a government

1. *McCullough v. Maryland*, *Fletcher v. Peck*, *Gibbons v. Ogden*, also A. J. Beveridge, *The Life of John Marshall* (4 vols., Boston, 1916-19), and Charles Warren, *The Supreme Court in United States History* (3 vols., Boston, 1922-26).

2. M. E. Dimock and Gladys O. Dimock, *American Government in Action* (New York, 1946), esp. pp. 123-141; C. E. Merriam, *American Political Ideas* (New York, 1920), pp. 252 ff.

3. With notable exceptions, such as Pinchot and La Guardia; Pepper and Hill.

the powers of which are not commensurate with its problems will not be able to cope with them.”⁴

Obviously, to summarize the subject of “the purpose and functions of the states” obliges us to choose between different interpretations of statements, facts, and trends. Historically, the states were given a semi-sovereign position in the union because the pattern of federalism had already been fixed at the time of the creation of the union. In the ensuing 160 years, the balance of power has never long been stable, and the issue has often been confused with controversies over the distribution of authority among the executive, legislative, judicial, and administrative branches of government. On at least three occasions, in the disputes over slavery, prohibition, and the control of big business, states’ rights has been only a minor issue in the stupendous conflict over how much authority the government by the people shall exercise over the lives and activities of the citizens.⁵

The Constitution confers certain powers on the national government only; recognizes that some powers such as provide for the creation of counties, the chartering of cities, the organization of their own governments, the right to agree or disagree to alienation of territory to form a new state, etc., are possessed only by the states; and it confers certain powers on both state and national governments. Many powers, such as the right to coin money and to conduct foreign relations, are clearly denied the states, and others are now agreed to belong exclusively to the national government. States are specifically forbidden to tax the instrumentalities of foreign commerce and the instrumentalities of the federal government. States may not interfere with interstate commerce, make agreements with other states without the consent of Congress, or pass laws impairing the obligation of contracts. In 1939-1940, the immunity to state taxation which federal salaries had formerly enjoyed, was removed by Congress and the act was upheld by the Supreme Court. Many other grants of power and prohibitions have been clarified by the courts. But the general outlines are still rather vague as to

4. “The Obsolescence of Federalism,” *The New Republic*, May 3, 1939, pp. 367-9.

5. F. P. Hall, *Government and Business* (New York, 1939); B. E. Lippincott, *Government Control of the Economic Order* (Minneapolis, 1935).

details. Even the reasonably clear provisions of the "full faith and credit," "privileges and immunities," and "interstate rendition" clauses — obviously intended to make states legally equal — have been sometimes tested in the courts.

It seems that the Constitution, and the acts and decisions of the political and judicial branches of the government taken pursuant to it, intend that the federal government shall exercise full control over foreign relations and all matters that are of strictly national concern. It is also clear that they intend that, insofar as possible, the legal conditions of living, working, and functioning politically shall be the same in all states. That this has proved increasingly difficult to realize, is the reason that such strains have now been placed on American federalism. Even where historical tradition and constitutional interpretation have conferred specific powers on the states, the practical difficulties have proved nearly insurmountable. Several scholars have urged a revolutionary reconstruction of our units of government, a new stratification and definition of functions, and the adoption of a regional federal union with some form of responsible government binding it together.⁶ Against a notable array of authorities, many critics and standpatters have argued that reform is unthinkable; states, they say, would never agree to yield any more of their sovereignty.

It is this response which leads us to consider another purpose of the state. Why do some people think "states" wish to preserve their prerogatives, independence, and integrity? Fundamentally, is it because "separateness" is one of our traditions? Even in Jefferson's administration, state particularism began to recede but sectionalism was growing. By 1860, regionalism clearly predominated in the thinking of men, as it had already during the crises of 1812, 1828-33, 1840, and 1850. The Middle West became established as a cultural entity during the period 1880-1910; the Southwest and the Pacific Coast, from 1840 to 1900. And yet, many people felt that state "nationality" was necessary to make patriotism concrete, to intensify and objectify

6. R. V. Peel, *The Displacement of States by Political Regions* (New York, 1932), W. Y. Elliott, *The Need for Constitutional Reform* (New York, 1935), W. B. Munro, James T. Young, E. T. Jones, et al., cited in Graves, *op. cit.*, p. 759; Henry Hazlitt, *A New Constitution Now* (New York, 1942), Woodrow Wilson, *Congressional Government* (Boston, 1885), and Alexander Hehmeyer, *Time for Change* (New York, 1943): all are pleas for "responsible government."

emotional longing for a territorial and cultural anchorage. Industry lost its attachment to particularism when markets were broadened and made uniform by advertising, price policy, and transportation. Only politicians, the social elite, and those economic leaders whose profits and control were protected by the local governments which were amenable to inexpensive pressures, retained any genuine devotion to the principle of state particularism. Today, the existence of states with separate identities actually appeals only to Hoosiers, Texans, Rhode Islanders, and the unhappy, uneasy citizens of some of the southern states.

Within the states, there are two kinds of matters submitted to the voters for their action, voting on candidates and voting on issues. When voting in national elections, voters in the states are limited, practically, to choices among persons or parties. Until 1899 the popular vote was just about evenly divided among the two major parties; since then they have oscillated in drawing power, the Republicans winning by substantial majorities from 1896 to 1908, and from 1920 to 1932, with the Democrats capturing the largest vote from 1912 to 1916 and, with the exception of 1946, from 1932 to the present. The governors elected in 1944 were evenly divided among the parties. In both national and state contests the heaviest concentration of Republicans has been in the northeastern states and the heaviest concentration of Democrats in the South. But in votes cast for members of the state legislatures, the Republicans have had the highest percentage of candidates elected in the Dakotas, Wisconsin, Iowa, Kansas, Michigan, and Indiana and a few of the northeastern states. From these figures, found in *The Book of the States* (recent issues), we may conclude that party stability is high in the South, the Midwest, and the Northeast.

Proposals for constitutional change or laws are usually non-partisan and different patterns emerge in the voting. In 1946, we find thirty-six states submitted a total of 176 measures to the voters, of which 83 per cent were concerned with changes in state constitutions and 17 per cent with statutory matters.⁷ About 75 per cent of all proposals received the approval of the voters. On the average, 30 per cent of the voters participate,

7. These and the following statistics are taken from United States Bureau of Census, *Elections; 1946*, No. 2, May, 1947.

with those in Texas, New Mexico, Connecticut, and Louisiana having the worst records. It is interesting to note that more proposals are presented in even-numbered years and more are rejected in the even-numbered years. It is not easy to draw inferences with regional significance from this data, although it seems that there is more reliance on direct legislation in the far western states, the South, and North Dakota than in the rest of the country. Apparently there is no cessation of interest in the initiative and the referendum, but each state seems to have a pattern of its own. More studies of voting behavior in the states are urgently needed. To make these studies, adequate statistical reports are required. The vexations of the student are, however, nothing as compared with the frustrations of the voters in the face of a non-uniform, non-standardized system of popular voting.

Besides making decisions of a political character, states must also organize administration and prescribe the form, or even regulate the practice, of local government in counties, cities, towns, school districts, and other local units of government. Even as states seek to maintain their identity and uniqueness as parts of the federal union, so do local governments strive to maintain "local self-government" against the encroachment of the state. This urge for autonomy is weakening in the townships and counties — but it is growing stronger in the cities.

Looking at our problem another way, we note that the purposes of the states are set forth in the United States Constitution, in the state constitutions, in court opinions and decisions, and in the statements and practices of executives, legislators, and administrators. Frequently we have to go to political scientists and other commentators to find our way through the wilderness. The federal union is an attempt to maintain a reasonable degree of uniformity and at the same time allow for local variations. "In general," says Young, "it seems that the broader the territory, and the greater the differences of interest and opinion among the elements of a nation, the greater the difficulty in posing uniform rules of action."⁸ But there are factors other than size and complexity in the dynamics of federalism. One of these is time. Historical studies reveal emerging patterns

8. J. T. Young, *The New American Government and Its Work* (New York, 1940), p. 567. Cf. Bibliographical references, Sections II through VI.

and tensions which are resolved in various ways, but seldom permanently, nearly always requiring a new resolution. If the tensions are strong enough the only arbitrament is force, or revolution.

The primary steps to interpret the federal Constitution, to diminish the powers of the states and to foster the growth of national power were taken by John Marshall in the Supreme Court, Andrew Jackson in the Presidency, and Daniel Webster in Congress. Henry Clay is justly renowned for his efforts to make this nationalizing process palatable to the states' rights advocates. During and immediately after the Civil war — or the War Between the States as the Southerners denominated it — a tremendous extension of national power occurred. As the country grew, by the westward movement of population, the settlement of farm and range lands, the expansion of the cities, the extension of new transportation lines, the creation and development of far-flung commercial enterprises and public utilities, and the resultant pressure on the states to regulate private industry and to serve the health, welfare, educational, and housing needs of the citizens, the states recovered a large measure of independence. This shift in functions and the balance of service and control is reflected in the state constitutions, the state legislative enactments and the state administrative structures. It would require exhaustive documentation to prove it, but one may venture the suggestion that the states reached the apogee of their independence in 1912. Since then the balance of function and authority has swung to the national government, a process accompanied by a controlled resurgence of local self-government.

In the meantime, state agencies have increased in number. In California, the "total number of functions in state government rose from 44 in 1859 to 452 in 1935."⁹ The increase in functions has not been so great in other states, but the general trend is toward expansion and multiplication.¹⁰ W. Brooke Graves has classified the functions of state governments as: (1) general government, (2) finance, (3) control over business and industry, (4) conservation and development of resources, (5)

9. J. M. Pierce, "420 State Activities: California Government Continues to Expand," *Tax Digest*, Aug., 1936, pp. 260 ff.

10. W. B. Graves, *American State Government* (Boston, 1946), pp. 438 ff.

transportation, (6) public health and welfare, and (7) education. In this summary no attempt was made to characterize constitutional and legislative change, or to include developments in the field of the administration of justice, since the analysis was presented in relation to a comment on the growth of state administration. An appalling vagueness and diversity of opinion exist in this realm. In the course of the discussion of this and related questions we shall have occasion to advert to this subject again; now we need state only that the adaptation of state constitutions, state laws, and state judicial structure and practice is proceeding clumsily and slowly.¹¹

Whether the staff services and auxiliary services of state governments increase more rapidly than the line services is a favorite topic for debate among political scientists. The general belief is that they do, precisely as they do in other areas of administration.¹² This is a problem in the science of administration. More pertinent to our study is the problem of distribution of functions in the federal union. We may conclude by saying that the states still exercise the greatest authority in the administration of justice, the control of political parties and elections, education, public health, the control of corporations, public utilities, banking and insurance, and in the regulation of motor vehicles. The federal government practically monopolizes the control of foreign relations, foreign trade, and money. Economic life in general — taxes, prices, private and public borrowing, interstate commerce and transportation — and the conservation and development of natural resources are dominated by the national government. On the borderline are such functions as the promotion of agriculture, the regulation of labor, public welfare, the planning and provision of highways, and general planning. States still control local governments and, through them, functions relating to police and fire protection, recreation, markets for urban consumers, and sanitation. But the federal government is disturbing the historical predominance of the state over the locality in many ways.

11. Cf. C. A. Beard, *American Government and Politics*, 9th ed. (New York, 1944), pp. 523-540.

12. L. D. White, *Introduction to the Study of Public Administration* (rev. ed. New York, 1939) and *Trends in Public Administration* (New York, 1933).

Chapter III

THE STATES TODAY

To describe the states as they are now is no easy task. However, having said that the traditional studies of state government erred in not even attempting it, there is nothing else for us to do but venture some generalizations. It is obviously hopeless to try to tell everything about the states; all we can do is to suggest what the entire United States is like, sketch in some facts about regions and relate the facts — or other peoples' opinions — about a few of the states.¹

1. *On states in general*, see the standard geographies and atlases. In 1925, the J. Walker Thompson Co. published its *Retail Shopping Areas, Population and its distribution*, 1925, a statistical work with maps. Later, all private research activities were eclipsed by the National Resources Board's (subsequently, National Resources Planning Board) own reports and bibliographies, as well as those of the state planning boards whose work it coördinated. (See esp. its 1935 and 1936 reports.) A series of studies prepared under the direction of Howard S. Odum, of the University of North Carolina, takes precedence over all other private regional studies. The N.R.P.B. never completed a study of states similar to its masterwork, *Our Cities*, but its reports on "The Structure of American Economy" (1939-1940), and on Regional Planning are adequate. *The Book of the States, 1945-1946*, a Council of State Governments' publication, includes a Select Bibliography, pp. 695-713.

The historians seldom give more than fragmentary attention to the states as a whole. There are excellent regional studies, especially those by Odum and his associates — chiefly on the South — and the reports on New England issued by the New England Council, not to mention cultural and literary histories, such as those of Brooks, Garland, and the familiar studies published in Texas and New Mexico which are available. Alabama—Holloway and Smith (1941), Odum, *et al.* (1942), Martin (1942); Arkansas—MacNutt, *et al.* (1932); California—Anderson, (1942); Florida—Gray and Tryon (1941); Illinois—Dodd and Dodd (1923); Indiana—Cottman (1925) and Sikes (1937, 1940); Minnesota—Folwell (4 vols., 1921-30); Missouri—Johnson (1943); New Hampshire—Kalijarvi and Chamberlain (1940); New Jersey—Irwin (1942); New Mexico—Vaughan (1927), Donnelly (1947); Pennsylvania—Tanger and Alderfer (1939); Texas—Patterson, *et al.* (1940); Washington—Pollard (4 vols. 1938); Wyoming—Garst (1938) — These are the most useful studies of the government of particular states.

Besides these, there are a few general accounts. *Meet America* (O. W. I. Washington, 1943) is an idyllic view of our country in all its variety, prepared for the use of the Swedish and Danish radio. J. T. Adams, *The Epic of America* (Boston, 1931); C. A. and Mary Beard, *The Rise of American Civilization* (2 vols.

HISTORICAL SURVEY

The United States is a continental empire of three million square miles of land and water. On the east, it is washed by the Atlantic, on the west by the Pacific, and to the south, its eastern half rests on the Gulf of Mexico. It is bounded on the southwest by Mexico, about which the average American knows very little, and on the north by Canada, concerning which he knows less. At the time the Union was formed there was a rough sectional balance of resources, influence, and economic power along the Atlantic coast, but with the progress of western expansion, there have developed not only a rich, qualitative differentiation in regions but also distinctions in comparative power. At first New England, with its dominance in maritime pursuits, was preëminent in economics, whereas the South — especially Virginia — nearly monopolized political authority. Geographically and ideologically between these extremes lay the two large middle states, New York and Pennsylvania, which first enjoyed superiority in population, and next took priority in finance. When President Jackson broke the power of the Second Bank he gave official sanction to the aspirations of a fourth element, the Near West of the old Northwest Territory, which came to have a deciding influence over the course of American history up to 1860. By that time, New England had become allied with the Middle Atlantic states in efforts to regain financial control and develop manufactures. Political leadership in the Near West of Kentucky, Tennessee, and Ohio and in their spokesmen Clay, Jackson, and Harrison passed to Michigan and its Senator Cass, Missouri and its Benton, and to Illinois, whose Lincoln and Douglas became national leaders. From 1860 until 1884 many conflicting and confusing movements, some working at cross-purposes, some mutually reinforcing, asserted themselves. The

New York, 1927) are two popular histories. M. Markey, *This Country of Yours* (Boston, 1932), after visiting all over the country, castigated the press for its lack of moral leadership, and he found the church quite ineffective, especially the Protestant church. Altogether, he was impressed and depressed by the departure from old ideals. Recent studies of books, magazines, radio, and movies bear out these woeful observations. Every historian, after trying to write down what has happened in America, cries weakly for "a new Homer." Every planner and essayist concludes that here "is a wilderness calling for a voice."

Northeast retained financial control over the South until the Civil War, but the West, now the Middle West, was allowed to develop an agrarian economy of its own. After the war, the South lay prostrate. Northern influence over it was exerted by carpet-baggers, who did not retire until 1876, approximately when the banks of Boston and New York resumed their economic hegemony and the white southerners picked up the reins of political authority. In the Middle West ex-New Englanders, the Washburnes, the Crosbys, the Pillsburys, and the settlers of the Western Reserve,² shared political and economic control with "natives" and migrants from other regions. California, on the Pacific, became an outpost of the East. West of the Mississippi, only Utah, settled by Brigham Young and his Mormons in the belief that the territory lay outside the United States,³ and New Mexico, which had a semi-independent political existence before any of the thirteen original states, managed to maintain any semblance of freedom from the yoke of eastern capitalists.⁴

The period 1884, when the Democrats returned to power under the New Yorker, Cleveland, to 1901, when Theodore Roosevelt became President, was one of transition. Eastern financial interests were consolidating their westward expansion, while the political stage resounded to the largely successful fulminations of Simpson, Weaver, Bland, Donnelly, Bryan, and Cummins, mid-westerners of various political hues, alike only in their devotion to the cause of the farmer. The Republican reaction, engineered by Hanna, Aldrich, Penrose, and Platt, was frustrated by Theodore Roosevelt, a New Yorker, until 1909, when Taft, of Ohio, became President. His victory was short-lived, since western radicalism found a new champion in Wilson, of New Jersey, in 1912. For eight years the pendulum swung the other way and many of the gains made by eastern capitalists were taken from them. Then came reaction again, scandalous despoilation of the West, resisted by Walsh, Wheeler, and other western progressives. But it was not until 1932, when Franklin

2. L. K. Mathews, *The Expansion of New England* (Boston, 1909).

3. Vardis Fisher, *Children of God* (New York and London, 1939). M. R. Werner, *Brigham Young* (New York, 1925).

4. A possible exception was Minnesota: See Ferdinand Lundberg, *America's Sixty Families* (New York, 1937); P. R. Benson, *Hill Country* (New York, 1928).

Roosevelt, another New Yorker, was elected President, that the South and the West found a political ally able to champion the cause of the common man.

In the meantime, eastern capitalists had again entrenched themselves in the states. They still enjoyed tremendous power,⁵ but the federal government was constantly circumscribing their authority, depriving them of their profits, and with increased tax revenues performing many acts of social welfare. This is, in brief, the political story of westward expansion.⁶

The territories which lie outside the continental contiguous area of the United States have recently demanded statehood, but the resistance to these overtures, largely one of lethargy and conservatism, has been effective in keeping the matter from being debated.⁷ To the average American, the territories of Alaska, Hawaii, and Puerto Rico, not to mention the Virgin Islands and the Canal Zone, are romantic outposts of empire. He has no more interest in them than he has in Greenland or the Bahamas. As far as he is concerned, they are not parts of our state system.

POPULATION DIFFERENTIALS

As the population of the states was augmented by natural increase, immigration, and interstate migration, each section came to have a distinct character and cultural pattern. The area extending from Boston to Omaha and Kansas City and reaching to St. Louis, Indianapolis, Cincinnati, and Baltimore on the south remained the industrial, transportation, and financial heartland, to which all the rest of the country was tributary. In this area settled the immigrants from Europe and Canada. Metropolitan cities of giant proportions each took on a distinctive character. Scandinavians settled in the Middle West's northern

5. See Reports of the Temporary National Economic Committee of the U. S. Senate.

6. Cf. W. A. White, *The Changing West* (New York, 1939), and Bernard DeVoto, "The Anxious West," *Harper's*, Dec., 1946, and "The West Against Itself," *ibid.*, Jan., 1947; also Wendell Berge, *Economic Freedom for the West* (Lincoln, Neb., 1946); George Leighton, *Five Cities* (New York, 1939).

7. George Sundborg's and I. M. Stainback's articles on Alaska and Hawaii in *State Government*, Oct., 1946, and Jan., 1947. During the second session, 80th Congress, the Senate defeated S. Res. 232 to discharge Committee on Interior and Insular Affairs from further consideration of H. R. 49 which is the Hawaii statehood bill, by a vote of 20 yeas to 51 nays. See *Congressional Record*, May 20, 1948, pages 6314, 6330.

portion and New England; the Irish in Boston, New York City, and Pennsylvania; the Germans in the Near West and the Middle Atlantic states; South Europeans, Slavs, and Jews in the same area. Negroes were heavily concentrated in the South; Indians, Mexicans, and Hispanos in the Southwest. And American Indians were found also in the northern tier of states. Chinese and Japanese have become "native" to the West Coast. The assimilation of North Europeans was accomplished fairly easily, but the immigration and subsequent natural increase of Irish and South Europeans, who were mostly Catholic, and of Russians, who were largely Jewish, aroused resistance. This resistance took the form of social, economic, and political discrimination, now happily largely a phenomenon of past history.⁸ But the Negroes, Indians, and Orientals continue to feel the effects of race prejudice. The Japanese, who are not numerous, have probably fared the best and the Negroes the worst.⁹

Although Californians and the white citizens of the Old South still regard the "race" issue as a local question, an increasing number of Americans feel that it is a national problem and will not be satisfactorily settled until the safeguards in the Constitution are nationally enforced. Since more than one-tenth of the entire population is "colored" (Negro, Indian, Oriental) we see that this is no mean problem. It is a fact, of course, that the racial, nationality, religious, and cultural groups which first win power, or influence, oppose the presumed diminution of their prerogatives by their extension to less-favored fellow-citizens. In some respects, the federal-state system has retarded the achievement of equality; in others it has promoted it. The controlling factors appear to be the relative size of the minority group, its identifiability, and its aggressiveness. Southern Negroes are easily recognized and relatively passive but they have won few rights at a slow rate. Jews in the northern states, who have lost many of their distinguishing characteristics, have out-paced many other minority groups in obtaining the basic rights. Adherents of the Roman Catholic faith, and the Mormons in their stronghold in the mountain states are no longer

8. Carey McWilliams, in Bruce Bliven and A. G. Mezerik, *What the Informed Citizen Needs to Know* (New York, 1945), pp. 214 ff.

9. Cf. Alexander H. Leighton, *The Governing of Men* (Princeton, N. J., 1945).

discriminated against. This is a very complex matter. But insofar as the role of the states is concerned, the members of the minority groupings of Scandinavians, Germans, Jews, Roman Catholics, Irish, Swiss, Italians, and Mormons have won equality in the state and local governments first, in the nation later. Others, the Dutch, English, Scotch-Irish, Protestants, and Negroes of the Carpetbag South, have lost the priorities of exclusive government they once enjoyed. And of the minority peoples, the Czechs, Poles, Greeks, French-Canadians, and Spanish-Americans have not yet progressed beyond local recognition. Finally, we note that some minority groups have won economic equality but only the barest political rights. Here we may group Jehovah's Witnesses, Chinese, Japanese, South Americans, Belgians, ex-American nationals such as Filipinos, and the Puerto Ricans.¹⁰

With the exception only of Missouri, all the states which have an excess of females over males lie east of the Mississippi River. This is a function of migration, and nowhere is there so great a difference between the number of men and women as to constitute a problem. Students of woman suffrage can find no significant regional differences in the influence women have had over public policy or the conduct of public affairs. Everywhere women tend to follow in the grooves worn smooth by men. But there is, perhaps, a slight improvement in social outlook. Women have conspicuously contributed to the betterment of public policy in Connecticut, New York, New Jersey, Ohio, Illinois, Arkansas, and California. But their influence, to date, has been negligible on a national scale.¹¹

In the United States as a whole, the relation between age-groups is changing. On the basis of past trends it is estimated that persons between 0 and 19 years of age will become fewer in 1980, that those from 20 to 44 will increase slightly, and that there will be very large increases in the number of those over 45, amounting to a 234 per cent increase in the group over 65. With fewer young people, our labor problem will become more difficult, and with more aged and dependent persons we will

10. R. B. Tugwell, *The Stricken Land: The Story of Puerto Rico* (New York, 1946).

11. *The Congressional Digest*, Dec., 1946, Vol. 25, No. 12, pp. 289-290, summarizes the facts in regard to the legal restrictions on women in the various states.

have to face large problems of dependency, institutionalization, and hospitalization.¹²

Recent studies, such as those of the National Resources Committee and the Temporary National Economic Committee, describe the tremendous discrepancies in consumer income and consumer purchasing power which bring in their train problems of public expenditure and taxation, as well as of economic policy, which are not susceptible to solution by states acting independently. During the war a substantial internal migration resulted in net gains for the western and the lake states, certain of the eastern and New England states, and Florida. The influx of workers into defense areas and the post-war movements of veterans, which have partially reinforced war-time trends have brought in their wake serious problems of adjustment which states seem not competent to handle.¹³

The National Resources Committee, in a study of economic conditions in 1935-36, reported that the upper third (on the basis of income) of the population spent as much on food and housing as the two lower thirds put together, more on household operation, automobiles, medical care, recreation, and other items, twice as much on gifts and taxes, and did *all* the saving; the lower two-thirds kept going into debt. Workers of all kinds are relatively better off in the northern and Pacific Coast states than they are in other regions. But in the ranks of labor there are many gradations. There is a wide gap between the aristocrats in the old craft unions of the North and the unorganized mill hands of the South. Agriculture is similarly divided. As producers, farmers have benefited directly by the expenditure of billions of dollars of public funds. But from a national point of view, living conditions—health, housing, economic security—on the farms are deplorable. Farmers dominate most of the state legislatures to the disadvantage of the urban workers, but intelli-

12. G. M. Stephenson, *A History of American Immigration 1820-1924* (Boston, 1926), C. J. Child, *The German-Americans in Politics 1914-1917* (Madison, 1939), M. L. Hansen, *The Immigrant in American History* (Cambridge, 1940), Louis Adamic, *From Many Lands* (New York, 1940), A. B. Faust, *The German Element in the United States* (Boston, 1909), H. J. Fairchild, *Immigration, A World Movement and Its American Significance* (New York, 1913), A. B. Benson and Naboth Hedin, *Swedes in America 1638-1938* (New Haven, 1938).

13. Cf. W. S. Woytinsky, "Interstate Migration During the War," *State Government*, March, 1946, pp. 81 ff; A. J. Jaffe and S. L. Wolfbein, "Postwar Migration Plans of Army Enlisted Men," *Annals*, March, 1945, pp. 18 ff.

gent rural leaders realize that only national action can cure the distress of American agriculture.¹⁴

Other statistics of the American people are illuminating. We are living longer, it is true, but more precariously. Some diseases have been mastered but others, especially cancer and heart disease, are becoming more prevalent. The general birth-rate is declining. Divorce is increasing to alarming proportions. The farms are losing population to the towns but not fast enough. Family standards of living are declining. These are among the problems with which the states have unsuccessfully tried to cope.

RESOURCES

Our resources as a nation are almost inexhaustible. Of critical raw materials we need import only oil, rubber, chromite, tin, nickel, antimony, manganese, and tungsten.¹⁵ During the war period, 1938-1946, we discovered some new sources and learned to use many substitutes. Greatest of all discoveries and developments related to the use of atomic energy. But it will be many years before we can apply our new technological methods to peace-time production. In the meantime, Congress is vainly struggling with the forbidding problem of devising social controls of the use of land, resources, and business procedures. The size and the compelling nature of this task may force us to abandon the federal system altogether. In the central, south, and Pacific regions, forest resources are being depleted at an alarming rate.

According to the Bituminous Coal Institute, our coal production is now 592,300,000 tons annually and we have reserves of an incredible amount: 3,178,082,811,000 tons, only a small part of which is sub-bituminous or lignite. Most of the reserves lie in the Allegheny states, the lower midwestern states, Arkansas, Oklahoma, and Texas, and in the eastern half of the mountain states. Oil production exceeds 1,856 million barrels and natural gas production 5,614 billion cubic feet. Oil reserves

14. See J. A. Patton, in Bliven-Mezerik, *op. cit.*, pp. 192 ff. Some of these rural "PAC's" may be in error, however. Cf. John D. Black, *Parity, Parity, Parity* (Cambridge, 1942); and T. W. Schultz, *Agriculture in an Unstable Economy* (New York, 1945).

15. Brooks Emeny, *The Strategy of Raw Materials* (New York, 1935), and sources cited in N. R. C. *Our National Resources* (Washington, 1940).

are calculated at 24 billion barrels and gas reserves at 160,575 billion cubic feet. Although the oil will not last forever, the only problem with coal, now assuming importance as a raw material, is the proper organization of the industry and the regulation of employment in the mines. It is significant that the role of the federal government is now becoming more important with respect to the production of mineral fuels. Water, as a resource for individual use and irrigation or for electrical power, is, like land, a national problem. The policy for land use and water use must be determined on a national basis. It can be administered regionally, but never by states.

REGIONS

The old hegemony of the Northeast has not gone unchallenged. Detroit has gained a certain measure of financial independence. Chicago has developed an indigenous culture, and isolated enterprises and movements in the Southwest have flourished independently. Southern California became the motion picture capital of the world, but neither the movies nor the radio has ever broken free from eastern domination. Yet, no intelligent direction of the nation's cultural life emanates from New York and Boston. The power of intervention is negative and defensive. Improperly gauged economic considerations take precedence over canons of taste and quality. All too often irrelevant and anti-social forces triumph over the national interests. This is particularly true with reference to the movies and the radio. As a nation we still bear the scars of a century of graft and spoils and disorder, poorly befitting the role of a great democratic nation in the age of science.¹⁶

Although the coal and iron belt, roughly coterminous with the Boston-Omaha finance-industrial area, is still provided the best transportation service, interstate mobility in all directions

16. White writes: "The history of this century and a half is full of national scandals. Great names were smirched. Every decade saw its major swindle. And as the real wealth and fluid capital of the pioneer must come out of the land, so swindlers operated on the land and the products of the land. The railroads, the coal mines, oil, the forests, all were exploited, all were used as media for swindling investors and for piling up dirty millions for unsocial men. Every state had its crooked land company. The school lands in many of the states were sold for a few cents an acre. The public lands were looted by corporations that hired men to take up bogus claims and sell them to organized promoters who in turn swindled investors." *op. cit.*, pp. 29-40.

has been facilitated by the bus and the airplane. Advertising and uniform price policies have made the people in industry and merchandising nation-conscious. But, as we shall see, there is no free flow of goods and the very attempt to "nationalize" business has limited production and distribution. Bad products tend to drive out good, and no amount of federal or state rationing or price control, as motives are now perceived, will induce farmers to grow crops, manufacturers to produce goods, or distributors to transport and sell them, if they see no tax-free profit in their activities.

On the strictly cultural side, regionalism has been more of a force than stateism. New England, with its hosts of writers and critics, and the Old South, with its philosophers and political polemicists, were the first to attain an international reputation. In the Middle West the flowering of culture occurred later. Beginning in the last decade of the Nineteenth Century with Riley, Field, Garland, Mark Twain, and other literary figures, it soon assumed a leading position. Even in painting and the graphic arts, new schools were formed in the Middle West, with such illustrious modern representatives as Wood, Benton, and Curry. The Southwest has, in the meantime, evolved a regional culture which stands second to none.

But again, as it controlled also industry, the East monopolized publishing, and New York City became not only the financial metropolis of the nation but also the publishing, theatrical, radio, literary, and cultural capital.¹⁷

Let us reëxamine the theory of regions. In all analyses of economic, social, political, and cultural data, the fact and the meaning of regionalism keep recurring. There is no other way of summarizing conditions and trends than by regions. The notion of regionalism is most firmly rooted in New England, the South, the Middle West, the Southwest, and the "West"—which first meant the old Northwest and now means everything west of the Mississippi River.

William Allen White, the most prominent of latter day

17. On regions of all kinds, see H. W. Odum and H. E. Moore, *American Regionalism* (New York, 1938); Amry Vandebosch, "Regions v. States," *Kentucky Law Journal*, Vol. 21, pp. 432 ff. (1933), George Leighton, *Five Cities* (New York, 1939), A. N. Holcombe, Van Wyck Brooks; and writers cited by Graves, *op. cit.* Also publications of the universities of Oregon, California, Colorado, New Mexico, Texas, Alabama, Minnesota, and North Carolina.

commentators, tried time and again to express the idea of *the West*. "The West," he said, "is rural; the people are largely American-born of American-born parents, descended from old American stock (English, Scotch, Irish, German, and Scandinavian) overwhelmingly Protestant, middle class, liberal."¹⁸ On the basis of this analysis, he sought to create a new conception of sectionalism and a new regional federalism. Odum, Tate, and Daniels have done the same thing for the South. The idea of the region lies planted in the public mind above and beyond the idea of the state.

THE STATES COMPARED

Many of the statistics which pertain to the social, economic, and political life of the United States have been collected on the basis of states, and are reported that way. Let us see what they reveal.

First, as to area, states range in size from Texas, with 267,339 square miles, to Rhode Island, with only 1,214 square miles. The large states are all in the West. But if we draw all the boundaries for physical divisions on the map only Iowa, and Vermont, New Hampshire, and Maine are entirely within one division. Differences in climates, soil divisions, mineral resources, vegetation, and agricultural practices have done much to establish the basic manufacturing, industrial, metropolitan, and population regions; and the vital organizations of trade, shopping, and marketing areas are regional in significance. That New Jersey has a high average individual income is due to the fact that it lies adjacent to New York and Philadelphia. Still, the Census Bureau and the state governments report their data by states, and we use states as units of observation and comparison, although *the ranking of states on an absolute basis has very little significance*. If it is an area function, such as miles of paved highways, acres of land under cultivation, or volume of electric power produced, Texas and Arizona will naturally outshine Connecticut and Rhode Island.

The ranking of states by population tells us little we don't already know. Per capita calculations are more helpful, but not

18. *Op. cit.* pp. 26-27. Cf. Governor Warren, "Building for the Future in the West," *State Government*, Jan., 1946, p. 5.

entirely valid. For example, the density of population map for the United States shows the highest density in Washington, D. C., with Rhode Island a poor second. But this is not of much value. Population distribution per square mile in the regions of the entire United States is much more useful for us to know. This we learn by ignoring state lines in our original calculations. Such a procedure tells us that in southern California, northern Alabama, and at strategic points on the great rivers we find the real concentrations of urban population.

Governor Charles Edison, in a speech at Nashville, Tennessee, on November 13, 1947, called sharp attention to some of the problems arising out of decentralization and the growth of urbanized communities beyond city boundaries. "Almost half of our people," he declared, "now live in 140 metropolitan areas with central cities of more than fifty thousand population. These 140 metropolitan districts have more than four thousand separate governments and nearly twelve thousand separate school districts—an average of 114 different governmental units for each district." This is one problem which can be partially solved by reorganization.

Another effect of internal American migration does not yield so readily to structural changes. This is the problem presented by the fact that the benign climates of New Mexico, Arizona, California, and Florida attract a higher proportion of non-productive citizens with consequent greater pressure on housing; shortages of labor develop, and in some cases there arise social conflicts and group prejudices to disturb the even tenor of domestic tranquility.

The various states differ markedly with respect to degree of urbanization. In 1933-35, the Middle Atlantic states were most highly urbanized (77.7 per cent) and the east south central states had the lowest proportion of urban population.¹⁹ What Governor Edison had in mind, in the quotation given above, was "suburbanization"—the backward "metropolitan flow" which carries taxpayers beyond the taxing jurisdiction of the central city where they earn their incomes. The other thing, the increase in the number of citizens living in urban as opposed to

19. N. R. C. *Urban Government* (Washington, 1939), p. 264. Per cent city population by states is included in A. M. Hillhouse and Muriel Magelssen, *Where the Cities Get Their Money* (Chicago, 1945), pp. 168-9.

rural communities, is a factor causing tension in our entire system of federated states.

As it is now, the states which suffer the most from problems associated with urbanization and suburbanization are those in the Omaha-Boston industrial belt and California. The sunny states of Florida and the Southwest are subject to the greatest difficulties because of their attraction for more newcomers than they can handle effectively.

In many respects, the most important level of government, whether urban or rural, is the local one. The population of cities is increasing; economic power and influence over communications is centered here; in the cities are the greatest hazards to life and happiness. The greatest expenditures for government services (excluding defense expenditures) are those of local governments. And yet, despite the increasing importance and even interstate expansion of cities, they are still legally confined within the boundaries of the states and they are dependent upon their legislatures. Proposals for solution of the problem vary from suggestions for more federal grants to complete overhauling of our federal structure.

Placed sometimes in the background, the problems of rural America are not ignored.²⁰ One thing all recommendations have in common: make local government more simple and direct. But there is a striking fault in all such recommendations: They deny the existence of rural political machines and they ignore the culpable neglect of farmers in managing their own community affairs on an honest, efficient, and democratic basis.

Some insight into the factors differentiating states may be found in analyses prepared by investment firms which deal in government securities. They are interested in two features of state bonds offered for sale: soundness and yield. Sometimes they recommend the high-yield bonds of very inefficient governments; but usually they must pay some heed to basic economic factors. On behalf of such an interest, service organizations have made comparative studies of the states.

Dun and Bradstreet, for example, in a study²¹ of resources

20. Cf. the reports of the Department of Agriculture, the writings of Pitirim Sorokin, and the work of James Patton.

21. Edna Trull, *Resources and Debts of the Forty-Eight States* (New York, 1937).

and debts published in 1935, considered population, wealth, business activity, and debt as appropriate indices of "capacity to pay." Generally, a stable population, that is, one increasing at the same rate as that of the general population, was regarded as superior. On the whole, this study tended to support Mencken's judgment, even though it was prepared for another purpose and submitted with many cautions as to its use. Another study, prepared by *The American Weekly*, in 1932, for advertising purposes, selected the twenty-four best states on the basis of some additional data, such as "new passenger car sales," "electrically wired homes," "telephones in use," etc. All of the states selected lie above the Mason-Dixon line, except Colorado and California; and from Iowa to the Pacific Coast states, only Nebraska and Colorado were found in the "best state" group. From these and more recent studies, it seems reasonably clear that the richest states with the greatest resources, the highest standards of living, and the most effective governments consist of the three Pacific coast states, and all of the states east of the Minnesota-Iowa-Missouri western frontier and north of the Ohio River. On many scales, Colorado, Nebraska, and Kansas would have to be included. Still other calculations put Utah, Nevada, New Mexico, Alabama, and North Carolina into the favored category.

In the Mencken and Angoff study,²² completed in 1931, the authors discovered many curious relations. Thus, the first five states in tangible property per capita were: Nevada, Wyoming, South Dakota, Iowa, and Oregon; in taxable property per capita: Montana, Arizona, South Dakota, Nevada, and Nebraska (Mississippi was 47th on both counts); on percentage paying income tax: California, New York, Nevada, New Jersey, and Illinois; on bank clearings: New York, Massachusetts, Illinois, Pennsylvania, Missouri; on bank resources: New York, Massachusetts, Connecticut, Rhode Island, Vermont; on savings deposits: Rhode Island, Massachusetts, Vermont, Connecticut, New Hampshire; and so on. Among those named as *first five* are the rich states; the poor states named were Mississippi, Alabama, Arkansas, South Carolina, and Georgia. In their summary of "wealth," these writers named as the first ten states: Connecticut, California, New York, Massachusetts, Illinois,

22. "The Worst American State," *American Mercury*, Sept., Oct., Nov., 1931.

Table 1 •
THE STATES AS INVESTMENT RISKS

<i>Item</i>	<i>Criterion</i>	<i>States Ranking High With Reasons</i>	<i>States Ranking Low With Reasons</i>
1. Population	Size of population only a secondary index. Should have a reasonable relation to debt.	Middle Atlantic, Illinois, Texas, California.	Small states, Mountain states.
a. Increase 1910-1930	Should be neither too slow nor too rapid.	The best, i. e., most stable states are Connecticut, Illinois, Louisiana, Nevada, Wyoming.	Too great: Arizona, California, Florida. Too small: South Carolina, Maine, New Hampshire, Vermont.
b. Percent urban	If too high, indicates large cities with their own debt burdens.	Best are states with median near that of U. S.: midwestern, southern, scattered.	Too great: New England (except Vermont, New Hampshire, Maine.) Middle Atlantic, Illinois, California.
c. Percent illiterate	High ranking on all these counts suggests instability and poverty, and susceptibility to "administrative domination by political charlatans."	Iowa has fewest illiterates; then Oregon, Washington, Idaho, Kansas.	Too small: Arkansas, Mississippi, North Dakota, South Dakota. Most illiteracy in southern states and New Mexico
d. Percent native-born white, foreign-born white, Negro.	High ranking of per cent Negroes and foreign-born white is unfavorable for the same reason.	Indiana is first, followed by other midwestern states, Kentucky, Oklahoma, West Virginia. These are states with most native-born whites; fewest colored.	Fewest native-born whites in New York, Connecticut, Rhode Island, Mississippi. Most foreign-born in New York, Connecticut, Massachusetts, Rhode Island.
e. Weighted Recapitulation	Population should be stable, balanced as between urban and rural, largely native white and literate.	midwestern states	Southern states, New York, Massachusetts, Connecticut, Rhode Island.
2. Wealth			
a. Taxable value per capita	Per capita wealth statements are of questionable value, but extremes	Nevada, New York, Rhode Island, Connecticut, Massachusetts	South Carolina, Arkansas, Mississippi, Florida, Georgia.
b. Estimated true value of property per capita	of low or high per capita wealth have some usefulness. A state should	Nevada, California, New York, Connecticut, Minnesota	Mississippi, Florida, South Carolina, Alabama, Georgia.
c. Estimated wealth per capita	not be too poor. If, however, in-	Nevada, Wyoming, South Dakota, Iowa, Montana	Mississippi, South Carolina, Alabama, Arkansas, Georgia, Kentucky.

<i>Item</i>	<i>Criterion</i>	<i>States Ranking High With Reasons</i>	<i>States Ranking Low With Reasons</i>
d. Savings deposits per capita	debtedness is to be incurred for	Thrift and conservatism indicated by high savings in New England states, Middle Atlantic states, California	Southern states.
e. Retail sales per capita	purposes which show promise of	Gauge of liquid resources and living standards: Nevada, New York, California—high.	Mississippi, Alabama, Arkansas are low.
f. Population per motor vehicle	raising all these estimates that is	Since most debt incurred for highways, this suggests potentialities of gasoline tax; California, Nebraska, Nevada, Colorado, Iowa and Washington as high.	South, especially Alabama, Mississippi, South Carolina are low.
g. Percent making federal income tax returns	a factor to be noted. In general,	Shows diffusion of wealth: New York, Massachusetts, Connecticut, New Jersey, and Maryland are high.	Mississippi, Arkansas, South Carolina, North Carolina, and Alabama are low.
h. value of owned non-farm homes.	these are items of background inter-	80 per cent of all homes are non-farm. Best record in north, middle east, "Lake" states, and California.	Lowest are states in the southeast.
i. Median Monthly rental of rented non-farm homes.	est. For every particular issue a	"	"
j. Average wage in manufacturing activities	separate, current study should be	This index supplements income-tax figures to show diffusion of wealth. Highest in the mountain and northwestern states where manufacturing is of secondary importance. States where manufacturing is a major interest in the median brackets.	Lowest in the southern states.
k. Recapitulation	made.	Best: 19 states led by California, Connecticut, Massachusetts, New Jersey, New York, Rhode Island.	Poorest: Alabama, Arkansas, Georgia, Mississippi, New Mexico, South Carolina.
3. Debt.	Generally very complicated since high per capita debt is often found where there is also high per capita wealth. One must also calculate the amount of local non-state debt and study the recent history as well as anticipated trends in debt and taxation.	The best states with no debt or with low per capita debt are: Georgia, Kentucky (under \$50), then scattered southern, western and midwestern states	The states with highest debts are Florida, New Jersey, New York, and Oregon.
		But, New York and Oregon with high total debts, are less burdened than Louisiana and North Carolina with lower total debts. See pp. 97ff for estimates of current (1946-47) debts.	

Table 1 •
THE STATES AS INVESTMENT RISKS

Item	Criterion	States Ranking High With Reasons	States Ranking Low With Reasons
1. Population	Size of population only a secondary index. Should have a reasonable relation to debt.	Middle Atlantic, Illinois, Texas, California.	Small states, Mountain states.
a. Increase 1910-1930	Should be neither too slow nor too rapid.	The best, i. e., most stable states are Connecticut, Illinois, Louisiana, Nevada, Wyoming.	Too great: Arizona, California, Florida. Too small: South Carolina, Maine, New Hampshire, Vermont.
b. Percent urban	If too high, indicates large cities with their own debt burdens.	Best are states with median near that of U. S.: midwestern, southern, scattered.	Too great: New England (except Vermont, New Hampshire, Maine.) Middle Atlantic, Illinois, California.
c. Percent illiterate	High ranking on all these counts suggests instability and poverty, and susceptibility to "administrative domination by political charlatans."	Iowa has fewest illiterates; then Oregon, Washington, Idaho, Kansas.	Too small: Arkansas, Mississippi, North Dakota, South Dakota. Most illiteracy in southern states and New Mexico
d. Percent native-born white, foreign-born white, Negro.	High ranking of per cent Negroes and foreign-born white is unfavorable for the same reason.	Indiana is first, followed by other midwestern states, Kentucky, Oklahoma, West Virginia. These are states with most native-born whites; fewest colored.	Fewest native-born whites in New York, Connecticut, Rhode Island, Mississippi. Most foreign-born in New York, Connecticut, Massachusetts, Rhode Island.
e. Weighted Recapitulation	Population should be stable, balanced as between urban and rural, largely native white and literate.	midwestern states	Southern states, New York, Massachusetts, Connecticut, Rhode Island.
2. Wealth	Per capita wealth statements are of questionable value, but extremes	Nevada, New York, Rhode Island, Connecticut, Massachusetts	South Carolina, Arkansas, Mississippi, Florida, Georgia.
a. Taxable value per capita			
b. Estimated true value of property per capita	of low or high per capita wealth have some usefulness. A state should	Nevada, California, New York, Connecticut, Minnesota	Mississippi, Florida, South Carolina, Alabama, Georgia.
c. Estimated wealth per capita	not be too poor. If, however, in-	Nevada, Wyoming, South Dakota, Iowa, Montana	Mississippi, South Carolina, Alabama, Arkansas, Georgia, Kentucky.

<i>Item</i>	<i>Criterion</i>	<i>States Ranking High With Reasons</i>	<i>States Ranking Low With Reasons</i>
d. Savings deposits per capita	debtedness is to be incurred for	Thrift and conservatism indicated by high savings in New England states, Middle Atlantic states, California	Southern states.
e. Retail sales per capita	purposes which show promise of	Gauge of liquid resources and living standards: Nevada, New York, California—high.	Mississippi, Alabama, Arkansas are low.
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i. Median Monthly rental of rented non-farm homes.	est. For every particular issue a	"	"
j. Average wage in manufacturing activities	separate, current study should be	This index supplements income-tax figures to show diffusion of wealth. Highest in the mountain and northwestern states where manufacturing is of secondary importance. States where manufacturing is a major interest in the median brackets. Best: 19 states led by California, Connecticut, Massachusetts, New Jersey, New York, Rhode Island.	Lowest in the southern states.
k. Recapitulation	made.	The best states with no debt or with low per capita debt are: Georgia, Kentucky (under \$50), then scattered southern, western and midwestern states	Poorest: Alabama, Arkansas, Georgia, Mississippi, New Mexico, South Carolina.
3. Debt.	Generally very complicated since high per capita debt is often found where there is also high per capita wealth. One must also calculate the amount of local non-state debt and study the recent history as well as anticipated trends in debt and taxation.	But, New York and Oregon with high total debts, are less burdened than Louisiana and North Carolina with lower total debts. See pp. 97ff for estimates of current (1946-47) debts.	The states with highest debts are Florida, New Jersey, New York, and Oregon.

Nevada, New Jersey, Rhode Island, Pennsylvania, and Ohio. The last ten were all southern states; and Florida and Texas ranked 32 and 35 respectively. Next, using many tables such as literacy, in which Iowa was first and South Carolina last, and education (which data found Mississippi *first* in public school enrollment, *last* in attendance); libraries; newspaper and magazine circulation; numbers of telephones and radios; they found that the first eleven states were Massachusetts, California, Connecticut, Michigan, Colorado, Utah, Illinois, New York, Oregon, Washington, and Iowa. The southern states were last.

Passing on to the study of vital statistics, Mencken and Angoff learned that the death rates were highest in Arizona, New Mexico, Vermont, Maine, and New Hampshire. This was explained as due to certain conditions such as relatively large numbers of infants and the aged, as well as a large percentage of non-white persons. But the economically poorest states had the worst disease records. They also observed that the states were prudishly disinclined to release reliable statistics on alcoholism, venereal diseases, and insanity. Nevertheless, the southern, rural, poor states had the worst record on every scale but suicides; where Nevada, California, Washington, Montana, and Oregon were worst. The states which keep disturbing our calculations are Nevada and Utah. Of these Nevada deserves but little praise. Once a producer-state, it is now not producing but seems, rather, to be consuming itself and its resources. Utah, on the other hand, seems to rank high because it is the home of an industrious, sober, and democratic people; yet its people have largely denuded nearly six million acres of grazing and timber land!

Another category of observations concerns politics and elections. The states which formally limit voting by excessive residence qualifications are Alabama, Louisiana, Mississippi, Rhode Island, and South Carolina; those which limit voting by poll taxes are Alabama, Arkansas, Mississippi, South Carolina, Tennessee, Texas, and Virginia. Mostly it is the southern states which restrict the voting rights of citizens. On the other hand, gerrymandering and similar restrictive practices are found more frequently in the northern states. The worst political machines have flourished in Georgia, Mississippi, Louisiana, Texas, Tennessee, Illinois, and Missouri; yet nearly all of these states at

some time or other have had model state governments. Urban and rural local misrule seems to have no regional home, but if any states deserve credit for general goodness of government, they are Iowa, Connecticut, Utah, and Washington. On the other hand there are vigorous reform movements in New York, Colorado, and California.

On the social scale, there is no general agreement, except that the southern states are the least advanced.²³ The states with relatively few social problems have had the least difficulty, of course. But, it is impossible within the limits fixed for this survey to suggest more than extremes. The conditions of living seem optimum in Iowa; in the Hawkeye state there are relatively fewer problems, a higher average standard of living, a more intelligent attack on political and social problems and greater security and opportunity than anywhere else. Which actually means only that in our present federal system, Iowa has optimum conditions, size, and social organization. Utah and Colorado vie for leadership among the mountain states, but each has problems which have national significance and require national solutions. Of the southern states, Mississippi has failed the most signally. But, again, it is obviously impossible to reach a solution to Mississippi's social, economic, and political problems on an exclusively state basis.

Though the cause of labor was set back most dramatically in early 1947 by federal judicial and legislative action, union leaders watch with apprehension the rush of state laws and constitutional amendments to outlaw or restrict the closed shop, restrict picketing, require registration of unions, and even outlaw "the right to strike." Most of these anti-union measures have been introduced in the northern and western states.²⁴ During this same period, or more accurately in the period after World War II, state legislation dealing with regulation of business, and the handling of the housing, health, veterans, taxation, crime, education, and public utility problems almost completely bogged down in a morass of confused, conflicting, and misunder-

23. R. B. Vance, in collaboration with Nadia Danileusky, *All These People* (Chapel Hill, N. C., 1945), and ———, *Industry* (The Blue Book of Southern Progress) (Baltimore, 1946). Also earlier studies by Vance, such as *Human Factors in Cotton Culture; A Study in Social Geography of the American South* (Chapel Hill, 1929).

24. F. W. Perkins, *Indianapolis Times*, March 4, 1947.

stood policies. Considering the magnitude of their problems in this field, the northeastern states have performed most creditably in the past twenty years.

To sum this up, there have been two significant tendencies in American history — one centralizing and unifying, the other decentralizing and diversifying. The unifying influence is political, economic, social, and cultural. Power over cultural development is lodged in the economic "heartland," the same area which still clings to its control over economic activity. But the east central area maintains its controls with increasing uneasiness and apprehension. Washington, D. C., has slowly become the center of political influence, although there have been times when New York and Philadelphia have gained a temporary ascendancy. In defense of its prerogatives, the eastern capitalist class has frequently used force and economic pressure unashamedly. When justification was needed, it pointed to itself as the citadel of capitalism and documented its right to declare policy by reference to interpretations of our Constitution by a friendly court and even more friendly statesmen, writers, and commentators.

But Wall Street has lost one battle after another; and it appears that political power, assembled in Washington but resting on the mandates of the people in the several states, will finally triumph. This is what Theodore Roosevelt meant in his doctrine of the new nationalism.²⁵ In the past forty years, thinking men have tried to explain what was happening in theoretical terms. They have said that we were in the midst of a revolution. The old school, of which William Allen White was the figurehead, said it was a purely political revolution whereby a largely agrarian and small town liberalism was rebelling against the conservative capitalism of the eastern cities. Debs, Thomas, and other "left-wingers," interpreted the contemporary revolt as a rebellion of the masses of chiefly urban workers against the owners of capital.²⁶ The "reformers" regarded both the dis-

25. Cf. Theodore Roosevelt, "The New Nationalism," *The Works of Theodore Roosevelt*, Vol. XIX, pp. 13-28 (New York, 1923-1926). See also the writings of Wilson, Franklin D. Roosevelt, G. W. Norris, Charles E. Merriam, and such current commentators as Senator Morse, former Governor Stassen, and President Truman.

26. See H. W. Laidler, *Social-Economic Movements* (New York, 1944); H. P. Fairchild, *Economics for the Millions* (New York, 1940); Norman Thomas, *After the New Deal, What?* (New York, 1936).

contents, and the reaction against the system which produced them, as evidence of a growing maturity and sense of responsibility on the part of all good men. The enemy, they said, was no single man, or group, or institution. In the cities it was bosses and the political machines — and public inertia and indifference. In the states, it was the public utilities, perhaps also the absentee landlords, such as railroad companies, mining corporations, oil companies, and the investment banks. On a national level, it was manufacturers who wanted high tariffs, restrictive labor policies, manipulation of the currency and of the taxing power to favor a special, rather than general, interest. They said the enemy was the proponent of class legislation, of the spoils system, of a stupid inefficiency in administration. Having so many different enemies, the reformers were never united. That they were tremendously effective no one who knows the history of the past fifty years can deny. But the reformers win no collective plaudits for their deeds.

Still another trend of thought is represented by the unit reformers; the "single-shot" philosophers. To find examples of these men we can go a long way back to the abolitionists or we can begin with Henry George, whose remedy for all our ills was the "single-tax." In our own time, the advocates of zoning, of the short ballot, of proportional representation, of reciprocal trade treaties, of administrative reorganization, of prohibition, are typical examples of those who advocate one master improvement to cure the ills of a disordered society.

Still more recent are the interpretations of social, economic, and political change which describe and analyze, but make no startling recommendations. Thus James Burnham, in his *The Managerial Revolution* (New York, 1939), based on previous analyses by the "technocrats" and by Berle and Means (*The Modern Corporation and Private Property*), defined the revolution as a shift in the locus of power from the capitalists to the managers. Now the merits of these appraisals do not concern us here: we must rest on the assertion that they all hypothecate national conditions and make recommendations calling ultimately for uniform national action.

The basic diversifying tendencies are mainly sectional. Patterns of soils, forests, types of cultivation (cotton, wheat, rice, corn, rye), and stockraising (cattle, sheep, swine, poultry) are

sectional. Most river valleys are interstate. Though mines of coal and iron, copper and silver are located in the central parts of many states, they tend to be exploited by regional, even national organizations. It is chiefly in their superstructures, in their governments and political organizations, that states are diverse.

Only here and there, in the maudlin enthusiasms of a Mencken for his "Free State of Maryland," or in the half-humorous state patriotism of Texans, does one find any nostalgic devotion to the idea of states' rights. Our resources, our cultures, our demands, our immediate concerns are regional, but every day that passes makes us more of a nation, capable of rising to new heights of responsibility and efficiency through the intelligent organization of component parts.

Chapter IV

THE STATES AS UNITS OF THE FEDERAL GOVERNMENT

In our federal system, states were originally thought of as natural units of the federal government, and they were to serve as districts for the election of the president, the vice-president, and the members of Congress. The Constitution practically gives the states complete control of presidential elections; it says (Art. II, Sec. II), "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors. . . . The electors shall meet in their respective states (Amendment XII) and vote by ballot for president and vice-president. . . ." And, when the votes are tallied, in Washington, the one with the majority of electoral votes is declared elected. If no one obtains a majority, the decision is left to the House, *voting by states*. At first, the electoral college was a discretionary body. Nowadays, the rule is firmly fixed that the entire electoral vote of each state will be cast for the candidates (for president and vice-president) who receive a majority of the popular vote in the state. Although it took a long time to establish this custom, the periodic election of president and the role of the states in the election came to have a reciprocal effect on each other. Presidential elections every four years contributed to the virtual freezing of the two-party system; the indirect election of the president by electors from pivotal states gave the large states and the eastern states a relative monopoly on the presidency. Blaine, in 1884, lost to Cleveland by a margin of only 1,047 votes in New York. And on some occasions presidents have been elected who lacked a majority of the popular votes. This is not as serious a defect as the operation of the principle which dis-

criminales against men from the South and West,¹ and from the smaller states. Nor are either of these defects as great as the counterfeit unity and actual decentralization of the major parties which are products of the federal system.²

The impotence of the national parties, the "ghost parties," as Schattschneider calls them, is further illustrated by the behavior of congressmen. "On the majority of controversial public issues, the party takes no stand; and, in the rare cases when it does, cannot enforce it on individual members."³ The magnitude of this fault in our party organization and functioning, which flows directly from the principle of state-party federalism, cannot be overestimated.

In the structure of the Congress, the power of the state legislatures to control, within limits, the franchise and to prescribe "the time, places, and manner of holding elections for senators and representatives," has brought about a condition which impairs the representativeness of the national legislature. The constitutional provision that each state is entitled to two senators results in the disproportionate influence of the small states. It takes eighteen states with a representation of thirty-six senators to equal the population of New York, with only two senators.⁴ Generally speaking, the rural and agricultural areas are over-represented. The fact that able senators, such as Aldrich, Cutting, Borah, Thomas J. Walsh, O'Mahoney, and Murray, have represented "small" states is merely a circumstance. In votes on roll-calls the weak and the strong carry equal weight; it is here that unrepresentativeness is greatest.⁵ This is due in part to the disparity in size of supporting electorates, in part to the lag of two-thirds of the members behind changes

1. Only two presidents have come from west of the Mississippi River; Hoover, a Californian (born in Iowa), and Truman, a Missourian. There have been four vice-presidents: Curtis (Kansas), Garner (Texas), Wallace (Iowa), and Truman (Missouri).

2. This matter is thoroughly and ably discussed by E. E. Schattschneider, *Party Government* (New York, 1942), pp. 129-169.

3. Schattschneider, *op. cit.*; E. P. Herring, *Presidential Leadership* (New York, 1940), p. 29; and works by J. P. Chamberlain, Robert Luce, and A. L. Lowell.

4. C. A. Beard, *American Government and Politics* (New York, 1939), p. 83; G. B. Galloway, *Congress at the Crossroads* (New York, 1946), *passim*.

5. C. H. Woody, "Is the Senate Unrepresentative?" *Political Science Quarterly*, June, 1926, pp. 219 ff.

in public opinion, and in part to the state-controlled conduct of elections.

The operation of the latter principle may be studied even more fruitfully in the House of Representatives. To begin with, the turnover is more rapid in the House. Marginal states, such as Ohio, Illinois, Indiana, and Michigan, frequently "suffer a heavy turnover in their congressional representation and do not acquire seniority privileges commensurate with their importance in the life of the nation."⁶ The southerners, with fourteen men out of the top thirty-two senators in point of continuous service in 1945, ran the Senate; the Middle Atlantic region had the least influence because of low continuity of service and seniority. Southerners also held twenty-seven chairmanships out of forty-eight standing committees in the House, while the largest western state, California, held only three chairmanships of which one — the "wastebasket committee" — ranked lowest.

One reason why the Old South and certain small northern states exercise such a preponderant influence in Congress is that they have abused the privilege of controlling the franchise and the conduct of elections. Although the Constitution prohibits the denial of the suffrage to any person because of "race, color, or . . . sex," by various means the southern states have evaded this command. Merely on the basis of votes cast, in the 1944 elections, 56 per cent of the seats in the House were won by Democratic candidates who polled only 31 per cent of the national vote; 38 per cent of the votes were cast by voters whose candidates won no seats.

The disparity was greatest in the South, where 16 per cent of the total national vote was sufficient to elect 21 per cent of the total House of Representatives. In the 1944 congressional elections, 45,109,746 citizens cast ballots for congressional candidates. There was extreme variation in actual participation. Sait once estimated that in the states of the Old South, only about 19 per cent of the "eligible" voters took part in the elections of 1920 and 1924.⁷ Key found that less than 11 per cent

6. Galloway, *op. cit.* p. 27. The view that small states do not oppose large states (Beard, *The Republic*, p. 206) is beside the point, which is that they exercise influence out of proportion to size.

7. E. M. Sait, *American Parties and Elections* (New York, 1939), p. 700. On the statistical problems of computing participation, see works of Gosnell, Peel, and Donnelly. Cf. Vera Briscoe, "The Poll Tax as a Voting Prerequisite" (Lexington, 1943), reprinted in *National Tax Association Bulletin*, December 1943.

of the qualified voters in South Carolina voted in 1928 and 1932.⁸ In the 1944 congressional elections, Dolliver of the fifth district of Iowa (a state with good voting participation), won the primary contest with 11,029 votes, and carried the election with 60,153 votes out of 102,362 in a district with 307,000 population. In 1946, J. P. Richards won a seat from South Carolina's fifth congressional district with 3,557 votes in the general election. In that same general election, former Senator John M. Robsion of the ninth district in Kentucky polled 54,306 votes. He also was unopposed. Both Kentucky and South Carolina are "Southern" states, but there are partisan contests in Kentucky, no poll tax, and higher voting participation than in the Deep South.⁹ However, no one needs to be told that southern Democratic candidates for Congress start their careers and maintain their long tenures with absurdly small numbers of supporters in the key primaries. The entire Congress is definitely unrepresentative and it is the states, with their control over parties and elections, which make it so.

With regard to the practice of congressmen who are alleged to place local considerations above their concern for the national welfare, we must say that much of the criticism is misplaced. Representatives have spent too much time on the piddling errands of their constituents, but this is inevitable as long as there is no one else to care for their many interests. Congress has considered ways and means of relieving its members of such burdens. But representatives still serve only two years and they must continue to devote most of their time to interceding for their constituents until their terms are lengthened. In committee discussions, in debate on the floor and by their votes, congressmen will only in rare cases place the interests of the nation above those of the state or district they represent. These congressmen are not aware of any inconsistency between their position and the classic dictum of Burke that when a member is elected he is automatically accredited to the whole nation. The evil in congressional action today is partly based on the

8. V. O. Key, *Politics, Parties, and Pressure Groups* (New York, 1942), p. 550; Peter Odegard and E. A. Helms, *American Politics* (New York, 1938), pp. 723 ff., and works of Gosnell, Merriam, Titus, *et. al.*

9. Statistics from official sources. See also standard textbooks on parties, and Paul Lewinson, *Race, Class and Party* (New York, 1932).

circumstance that the districts of representation are too small.¹⁰ If they are made larger, local interests can be represented by associations, acting as respectable pressure groups, as cities are now by the United States Conference of Mayors, or by associations of local governments with quasi-official status.¹¹

Although lengthening the terms of representatives and improving the organization, facilities, and procedure of Congress can be accomplished without altering the federal structure, other reforms indicated above require a fundamental change in the basis of representation and in the calibre and attitudes of congress. A truly effective reorganization would make the great cultural, economic, and social regions and interests more nearly equal. Such a reform, if coupled with measures already approved by Congress for increasing the compensation, enhancing the dignity, and lightening the political burdens of members, would undoubtedly attract more capable candidates who, imbued with a sense of national welfare, could hardly be blind to the legitimate traditions and demands of our great regions.

States are also the loci of administrative offices. The reason for the most glaring instance of disenfranchisement and lack of representation which we have — the District of Columbia — is the wish of the founding fathers to place the central executive, judicial, legislative, and administrative offices beyond the reach of the masses. No responsible person today believes that the citizens of Washington constitute any threat to republican government. We may say in passing that the faults of federalism will not be entirely corrected until the citizens of the District are put on a par with other Americans.¹²

But, to return to the problem of administration, all field offices of the federal government, of high or low degree, are located in states or territories. Even though many of these units are regional in character, there has been a powerful tendency to organize jurisdiction on the basis of state boundaries. Even the pressure of actual administration and the expert advice of

10. This point is further discussed in the conclusion.

11. Cf. "The 80th Congress," *Minnesota Municipalities*, January, 1947, pp. 20-22.

12. Cf. Address of George B. Galloway, before the National Municipal League at Nashville, Tennessee, November 13, 1947. There is pending in Congress an act to reorganize the government and restore home rule to the District of Columbia.

the National Resources Planning Board¹³ did not suffice to break down the state-boundary strait-jacket. There also persists a powerful tendency to staff these agencies with "local" men. Two forces are at work here; forces which sometimes coincide and which on other occasions sharply oppose each other. The local political bosses continually resist the principles of the merit system and cling desperately to the principles of patronage.¹⁴ It is encouraging to note that the spoilsmen are fighting a losing battle. But the other force, which insists that field offices not only be staffed with "local" men but also that they should execute programs guided by state considerations¹⁵ is even more durable and stubborn. That it, too, will eventually succumb is certain. For over a century, federal administration has been hindered by the principle of states' rights. The emerging solution is regional; but the rate at which progress will be made is not yet clear. In any event, the influence of particularism on administration is bad.

Merely to illustrate the increasing influence of the federal government, let us examine some recent history. Notwithstanding their independence, states have enacted much legislation "under varying degrees of federal persuasion, to facilitate direct federal administrative action affecting individuals, corporations, or political subdivisions of the *states*."¹⁶ Key considered the following types of pressure and action illustrative of this relationship: grants-in-aid, narcotics, labor relations, housing, farm loans, federal insurance of bank deposits, public works and the P.W.A. program, rural electrification, soil conservation, and municipal debt adjustment. In all these cases it was ruled by the attorneys-general or believed by prominent officials that state legislation was essential to facilitate the application of federal laws.

13. N. R. P. B. *Regional Factors in National Planning* (Washington, 1938).

14. A revealing statement is the report of the Secretary of State of Indiana in which he says: "As an administrative officer, elected by the people of Indiana, a multitude of responsibilities are placed upon the secretary of state. During the years the legislature has seen fit to entrust this office with many responsibilities until *at the present date the secretary of state ranks high . . . in patronage.*" (Italics mine) *Yearbook of the State of Indiana, 1945* (Indianapolis, 1945).

15. See J. D. Millet, *et. al.*, In R. C. Martin (ed.) *New Horizons In Public Administration*. (University, Alabama, 1945) p. 11.

16. V. O. Key, "State Legislation Facilitative of Federal Action," *Annals*, January, 1940, p. 7. On the role of the states during the war see: E. S. Corwin, *Total War and the Constitution* (New York, 1947), pp. 72 ff.

States have had to pass enabling legislation so that they or their subdivisions could avail themselves of federal grants. They have had to reorganize administrative procedures, accounting and auditing systems, reporting methods and controls. They have had to improve personnel administration to keep it abreast of developments in both federal and municipal governments. Included in this category of laws are those which have not been solicited and inspired by the federal government, but which have been initiated by the imperative of general trends. The more state governors and other officials inveigh against federal encroachment the more they have been obliged to recognize welfare, educational, and communication needs and to give to the citizens a dollar's worth of value for each dollar spent.

The most notable example of states acting as political and administrative units of the federal government is social security. Although the social security program is a complicated joint venture of the federal government and the states it has had three very clear results: (1) it has extended governmental aid to the insecure by means of direct federal action within states; (2) it has compelled the adoption of complementary state legislation, and (3) it has encouraged the backward states to improve their own welfare and security programs.¹⁷

The federal judiciary in its organization pays respect to state boundaries, but the influence of machine politics in selecting judges has diminished with the years. To the extent that places are reserved on the district or circuit bench for men who have attained political prominence in the states (as Kenyon, Minton) it may be acknowledged that sectional and local influences are apparent in the lower federal judiciary. But this is, on the whole, a good thing. If the appointed judges be honest, capable, and conscientious, it is an added advantage to have them familiar with the people of the areas over which they preside.

SUMMARY

As units of the federal government, the states fail most signally in providing Congress with independent, able, conscientious men capable of understanding the national interest and

17. J. P. Harris, "State Responsibility," *State Government*, Oct., 1935, pp. 191 ff; A. J. Altmeyer, "Ten Years of Social Security," *Social Security Bulletin*, Aug., 1945, pp. 1-56.

tempering such understanding with a consideration of regional resources and needs. From the standpoint of administration, states, and the political machines which dominate them, exercise power either by "senatorial courtesy," or an unvoiced influence over some major and many minor (post offices, the internal revenue service) positions. But despite efforts of state pressure groups and politicians, the local units of the federal government have been competently staffed and well administered. State courts as units of the federal judicial system and the federal district and circuit courts have been guilty of causing some overlapping confusion and delay — but nothing so serious as not to be amenable to correction.

States, as such, no longer influence national legislation relating to international or national questions by means of legislative resolutions or memorials. But informally, and sometimes formally by obtaining the coöperation of senators or representatives or of heads of departments, states continue to influence the course of governmental action on the federal level.

Finally, as units of the federal government, states differ too much in size, population, resources, and character to provide a balanced basis for representative, federated government. Internally and comparatively there are great differences. Altogether, ignoring the territories, there are 48 states and the District of Columbia, 16,600 cities, about 3,000 counties and a total of 155,067 local governments. In 1940, 40 per cent of the American people lived in 397 cities of over 25,000 population. But these 397 cities were served by 1,201 governments other than the 397 municipal corporations. On a percentage basis, 27.6 per cent of the cities in the 6 New England states have over 25,000 population; in none of the other regions is this proportion as much as 4 per cent. The New England states have the lowest number of overlying units per city and the eleven western states the most. Townships, the really forgotten unit, exist only in New England and a few north central states. The New England states have the fewest independent school districts. Highway and water districts overlapping cities are found chiefly in the southern states; park, sanitation, and library districts in the north central states. All the regions support housing authorities which overlap municipal and other local units. While it is true

that most governmental units need not, one may even say cannot, be coterminous, the political structure of our federal system ought to be simplified if the citizens are to be expected to govern themselves.¹⁸

¹⁸. Data taken from United States Bureau of the Census, *Governmental Units Overlying City Areas*, Oct., 1947.

Chapter V

THE STATES AS INDEPENDENT ENTITIES

As independent units of government, states are presumed to be nourishers of tradition, crucibles of amalgamation, and experiment stations. In structure, each state is a replica of the national government. Each has a constitution, a legislature, a chief executive, and a system of courts. Within each state, the doctrine of separation of powers is extolled and defended precisely as in the national government. Each state also brings home to its citizens the lessons of republican government, due process of law, equality before the law, and the priority of property over human rights. But there are some respects in which some states maintain traditions different from those celebrated by the federal government and different from those cultivated by other states. Nebraska, for example, has a unicameral legislature. Delaware and Pennsylvania once had unicameral colonial legislatures, and Pennsylvania, Vermont, and Georgia experimented with unicameral state legislatures in the early Nineteenth Century. Today, a few other states, notably Minnesota,¹ have shown some interest in the single-chambered legislature. All the rest have, to date, kept their bicameral legislative bodies.

The chief executive is everywhere called governor and he has powers roughly equivalent to those of the president. But twelve states have no lieutenant-governor, corresponding to vice-president. It is generally conceded that state legislatures are inferior to Congress in competence and experience; but it is not so universally agreed that governors are inferior to presi-

1. "Minnesota Favors Unicameral Legislature," *National Municipal Review*, Feb., 1945, p. 82.

dents.² Many governors have "ascended" to the presidency. Among those who did not, Governors Altgeld, Cross, Cummins, Folk, Hughes, John A. Johnson, LaFollette, and Smith have their vigorous defenders. We have seen how the governorship has been regarded as a school for presidential candidates. Two of the men just mentioned, Hughes and Smith, were unsuccessful major party candidates; LaFollette was a strong third party contender. Among the winners in recent years, the two Roosevelts, Wilson, and Coolidge were, to say the least, notable governors. Among losers and present-day aspirants, Cox, Landon, Dewey, Stassen, Warren, and Arnall have been, or still are, governors of distinction. However, if we regard as the best governor that man who administers the affairs of the state objectively and in a non-partisan spirit, we shall have to search for one who is content to let the governorship be his final goal. A governor of this type is not likely to be very widely known outside his own state and among his friends in the Council of State Governments.

From a purely administrative point of view, it is impossible to give the states a general rating, since there are no accepted standards of general administrative excellence. One may, nevertheless, venture the opinion that high administrative standards have been achieved in New York, Massachusetts, Minnesota, North Carolina, and Alabama.³ In certain states, chiefly New York, Massachusetts, and Virginia, the state courts have enjoyed high distinction. In general, states have honored traditions and standards of competence which were universally American.

On the other hand, states have possessed from the beginning, or have acquired later, many administrative functions which have been denied to the federal government. In the performance of these functions, the states have created and cultivated distinct traditions regarding what shall be done and how it

2. F. A. Ogg and P. O. Ray, *Introduction to American Government* (New York, 1939), p. 776; C. A. Beard, *American Government and Politics* (New York, 1939), pp. 553-54; W. B. Graves, *American State Government* (3d ed., New York, 1946), pp. 178 ff.; M. E. Dimock and Gladys O. Dimock, *American Government in Action* (New York, 1946), pp. 434-5; Harvey Walker, *Law Making in the United States* (New York, 1934), pp. 156 ff.; C. O. Johnson, *Government in the United States* (New York, 1933, 3d ed. 1944), pp. 370-72; C. S. Hyneman, "Tenure and Turnover of Legislative Personnel," *Annals*, Jan., 1938, pp. 21 ff.

3. W. B. Graves, "Criteria for Evaluating the Effectiveness of State Government," *American Political Science Review*, June, 1938, pp. 508 ff., is designed to measure the whole government, not merely the administration.

shall be done. The New England states and New York have generally evinced a commendable regard for objective standards of high efficiency in administration; whereas, if one may judge by the reports which seldom find their way into the textbooks, the states of Mississippi, Georgia, Arkansas, Oklahoma, Indiana, and Illinois have been clinging to "ideals" not cherished widely in the United States.

This is not to say that states which have had trouble with legislators, governors, and even judges, and which have been forced, on occasion, to place such officials in jail, are "bad" states. Many will argue that a large number of actions against malfeasant and misfeasant officials indicates high standards and intolerance of wrongdoing. Nevertheless, it is a notorious fact that every state cultivates some traditions which are antagonistic to general American traditions.

The great historical works dealing with American development (Osgood, Fiske, McMaster, Channing, Dodd, Parkman, Curti, and Thwaite) are dramatic stories of the struggle for unity and national integrity. We have already suggested that the national government, by means of judicial interpretation, the growth of legislative power, and the extension of executive and administrative authority, gradually forged a nation out of particularistic states.⁴ On behalf of the political parties, it is claimed that they have accelerated this process. Whether they have or not, the states have tended to establish uniform patterns of behavior, similarity of customs, and equality of rights and obligations.

On a national scale, the regional speech of the Middle West has become general American.⁵ This nationalizing influence has fortified the universalizing tendency within states. Generally, and without exception, in those areas where large numbers of persons of another race, such as Negroes, Indians, and Japanese are present, the minority *nationality* groups have first won equality within the state and have later made successful bids for the right to work and lead on a regional and national basis. This is, of course, a knotty problem and it is impossible to make

4. This process is still going on, and the paramount question raised by this study is whether the existing federal-state structure can sustain any further nationalizing without a revolutionary change.

5. H. L. Mencken, *The American Language* (rev. ed., New York, 1940). Cf. Graham Hutton, *Midwest at Noon* (Chicago, 1946).

generalizations without extensive documentation. But granting the basic accuracy of this observation, it is none the less true that deviations from the national norms of adaptation and progress have been spotty and fragmentary, so patternless as almost to defy any remunerative analysis.

There is a theory which justifies and supports the fragmentation and dispersion of political development in the states. This is the theory of the experiment stations.⁶ Or, as Graves puts it, "laboratories for the trial of new political policies and the development of new administrative methods and techniques."⁷ Thus, the states, secure in their control over elections, experimented with primary laws, the initiative, the referendum, the recall, periodic and permanent registration, and literacy tests. Some, as we have noted, tried out unicameralism; more of them allowed and encouraged local governments to experiment with a vast range of administrative, legislative, judicial, and general governmental reforms. Here and there, states have tried out new methods of improving health, bettering employer-employee relations, controlling business, operating utilities, and fixing rates for privately-owned utilities. These experiences have been noticed by other states; but there has been no systematic critical evaluation. Chance has been the dominant factor in imitation. In recent years the initiative and enterprise shown by some states has dried up at the source. Wisconsin, once the pioneer, has lost its primacy. In the 1930's, Nebraska, California, and New York led the parade. Today, alert students and practitioners of government look to Iowa, New Mexico, North Carolina, and California for inspiration.

As proving grounds for federal legislation and administration, the states invented and applied bank deposit guarantee acts, executive budgets, and laws regulating the radio, aviation, and various businesses. New York's legislation regarding social security, fair employment practices, veteran's aid, and taxation has been studied carefully by members of Congress. And yet, however significant the contributions of the states have been to the development of public policy and administration, the zenith of state inventiveness has been passed. Now it is the federal

6. Charles McCarthy, *The Wisconsin Idea* (New York, 1912). E. A. Fitzpatrick, *McCarthy of Wisconsin* (New York, 1944).

7. W. B. Graves, *American State Government* (3d ed., New York, 1946), p. 12.

government and the cities which innovate; the states cling to the past or reluctantly follow the commands and suggestions of the lower and higher levels of government.

Increasingly, we find it necessary by federal action to impose restrictions upon the states. Too often state powers are used in a negative manner and such negative actions then lead to positive national action. State legislatures are slow in awakening to the implications of this process of self-imposed attrition. The states have established trade barriers, which have interfered with the flow of men and goods across state lines. Their actions have been predicated on the taxing and licensing powers of the states, which have discriminated against margarine, coconut and other "foreign" oils, "foreign" used cars and carbonated beverages, chain-stores, outside purchasers, "non-resident" motor vehicles, merchant-truckers, and canvassers; and "foreign" corporations and insurance companies. Various pretexts have been used to discriminate against "foreign" nursery stock and agricultural products, and also to favor local "residents" with respect to jobs, taxes, and the expenditure of public moneys.⁸ Just before the war, the Supreme Court and the Council of State Governments were instrumental (not working together, of course, or in the same way) in eliminating many of these barriers. Subsequently, during World War II, there was an enforced elimination and reduction of barriers. But many still exist.

Another negative aspect of interstate relationships is tax competition—which is of two opposed types: one principle is to solicit out-of-state business by tax favors and the other is to discriminate against "foreign" business by retaliatory taxation. It is generally held that neither tax favors nor tax retaliation and discrimination are valid and effective, and will be gradually abandoned.⁹ But these practices still exist in New England, the South and the West.

On the positive side, the states, on their own initiative or on that of the Council of State Governments, and the federal government have drawn nearer to each other by means of uniform

8. See F. E. Melder, in W. B. Graves (ed.) "Intergovernmental Relations in the United States," *Annals*, January, 1940. R. V. Peel, "Interstate Trade Barriers," *Institute of Politics Report*, Bloomington, Indiana, 1941.

9. See W. J. Martin, in W. B. Graves (ed.) "Intergovernmental Relations in the United States," *Annals*, January, 1940, pp. 62 ff, and references cited there.

legislation, interstate compacts, administrative coöperation, and through various research and investigatory commissions.

Before 1936 it was thought that the county was doomed to extinction or, at least, to thorough-going reconstruction. Since then, in terms of money spent and functions performed, the county has grown more important than ever.¹⁰ Notwithstanding this trend, obstacles to improvement still exist, and irresponsibility prevails. Very few states limit the control of the legislature over counties, and too much state legislation is "private" and specific. Against these defects, interested persons have tried to introduce the county manager plan, to further home rule for counties, to establish some kind of administrative regionalism (that is, *within* a state) and to arouse the citizens and create in them an awareness of county government. Political parties are still organized primarily on a county basis. The county is also the basic unit, in most states, for the administration of justice. In most other respects, it is the "local government" of the farmers.

SUMMARY

As independent entities, states are units of government which may be appraised and compared just as any other units of government. Generally speaking, Jacobson, Graves, and others who have tried to measure the relative goodness of state governments, emphasize that one must first ascertain how well a state manages the resources which God has given it. All states nourish traditions but not all states do this wisely. The northern Atlantic Coast states (except Massachusetts) have cherished traditions of freedom which have been as a shining light to the rest of the Union; the industrial states, particularly New York, Illinois, and California, have given the world lessons in how people of diverse racial stocks and many different religions can live together peaceably, prosperously, and constructively. Wisconsin long stood in the vanguard of the inventive, experimental states but now yields the palm to others. In their rela-

¹⁰ M. H. Satterfield, in L. S. Greene (ed.) *Proceedings of the sixth annual Southern Institute of Local Government* (Knoxville, Tenn., Jan., 1947). Also, works cited there, esp. J. E. Pate, "Trends in County Government," *Social Forces*, March, 1938, pp. 418-426; E. W. Weidner, *The American County—Patchwork of Boards* (National Municipal League, New York, 1946); W. E. Mosher, "The Wave of the Future for Local Government," *National Municipal Review*, Sept., 1941, p. 508.

tionships with each other, the states have not yet evolved a satisfactory system, but they are closer to each other than at any time in the past. Specialists in government persist in quarreling over individual reforms but they agree on essentials.¹¹

¹¹. See works of W. Brooke Graves, and the Minnesota Institute of Governmental Research, *Possible Improvements in the Operation of State Government* (Saint Paul, April, 1947).

Chapter VI

THE STATES AS INTERMEDIARIES

From the foregoing chapters we see that the states act in an intermediary capacity. Although they no longer constitute a primary source of legislative, administrative, judicial, and political ideas for the national government, their influence is by no means negligible today. A whole movement has been built up which seeks to find in the experience of our nation-states system a model for world government and a guide to national foreign policy.¹ The increasing responsiveness of the federal judiciary to public opinion may be attributed partly to the unceasing efforts made in many states to subordinate the courts to the will of the people. Most of the influential members of Congress have served an apprenticeship in state and local government and bring to Washington the merits and defects of this experience. Their chief handicap is that most of them are lawyers. In the case of unpopular legislation, such as the prohibition amendment and the Volstead Act, the virtual nullification of federal legislation by powerful non-conforming states paved the way for repeal.

THE STATE AND LOCAL GOVERNMENTS

In its relations to local government, the typical American state is placed in the unfortunate position of being caught in the middle between an indulgent though harassed grandparent—the nation—and a group of growing children—the local governments. The more the state gets from the rich old man—the nation—the more it must earn and the more it must give to the children, who have ready access to the old man and can frequently obtain direct gifts and loans from him. The children, or local governments, then turn right around and reserve for their

1. Clarence Streit, *Union Now* (New York, 1939), and his periodical, *Freedom and Union*, issued monthly.

own use rents from the tenants on the ancestral domain (which would represent tax levies on the citizens) and add to their private earnings by embarking on businesses of their own.

The Tax Foundation, in a graphic pamphlet issued in 1941, showed that local tax collections have remained consistently above state collections and were not surpassed by the federal collections until 1937. There has been a continuous contest over new sources of revenue. But, whenever the rural-dominated state legislatures attempt to monopolize some new tax source, in a short time they are forced to return it or its proceeds either

Table 2
TAX COLLECTIONS 1913-1946
(Millions of dollars)

	<i>Total</i>	<i>Federal</i>	<i>State</i>	<i>Local</i>
1913	2,187	668	300	1,219
1924	7,812	3,193	1,017	3,602
1930	10,266	3,468	1,780	5,018
1933	7,500	1,785	1,505	4,210
1940*	12,648	4,727	3,028	4,893
1940	14,341	5,566	3,875	4,900
1946†	52,546	41,250	6,014	5,283

* Exclusive of employment taxes.

† Source: U. S. Census Bureau, *Governmental Revenue in 1946*, Oct., 1947.

as grants or as shares. Recently in Oregon, the State Tax Commission, after investigating conditions in the western states, submitted various recommendations, chief of which were: (1) Make no general changes in the system; (2) Introduce some flexibility into it; (3) Cease relying on the general property tax; (4) Coördinate the financial functions of state and local governments.

Let us now look at the situation in the entire nation. The Municipal Finance Officers Association, in 1945,² after studying three hundred cities, reported that "while the rank and file of municipalities are relying very heavily on the property tax and state and federal aid, certain cities are experimenting success-

2. Public Administration Clearing House *News Bulletins*, March 4, 5, 6, 1946, August 17, 1946; cf. Detroit Bureau of Government Research, *1946 Report*; and San Francisco Bureau of Government Research *Bulletin*, January 7, 1947.

fully with newer sources of revenue." Aids from other governments are still "the most important non-property tax revenue sources for cities." The other sources of revenue are amusement taxes, local sales taxes, consumption taxes (liquor, tobacco, gasoline), local motor vehicle taxes, parking meters, service charges (garbage and refuse collection), public utility taxes, and admissions taxes.

Birmingham obtains 47 per cent of its revenue from licenses and permits; New Orleans 40 per cent from its sales tax. In all cities, large and small, there is a scramble for new revenues. But there is no consistent relation between property tax burden and interest in revenue-producing utilities. Of large cities, Pittsburgh, Chicago, Boston, and Buffalo have the highest tax rates (\$5,375 to \$3,869); Washington, D. C., is low with \$1,663—which is, perhaps some compensation for living in an unfree city. In the present period of post-war adjustment it is believed that cities will desperately require new revenues for permanent improvements—which have been neglected for twenty years—for sewers, streets, and other facilities demanded by the housing program; for unemployment and relief (still a matter of debate); for new services, such as airports, veterans' centers, etc.; and for an increase in wages and salaries of local employees.

The states which now make the greatest contributions in the form of aid to local governments are Wisconsin, Colorado, Massachusetts, New York, Ohio, Indiana, Nebraska, and Delaware. Included in these contributions are shared-taxes such as those on liquor, gasoline, motor vehicle licenses, and fire insurance premiums. Wisconsin cities and towns receive nearly all of the state income tax revenue. The important thing here is that wide discrepancies exist among the states, among cities of the same size and among the cities of a particular state in receiving aids from other governments.³

In New York (where local government costs \$1,200,000,000 annually, or six times that of the state government), after continual study of the problem for thirty years, the Commission on

3. See A. M. Hillhouse and Muriel Magelssen, *Where Cities Get Their Money* (Chicago, 1945), pp. 163 ff., and its 1947 supplement. There is in existence a compendious literature on state aids: The Minnesota Institute of Governmental Research, *Bulletin No. 18*, Feb., 1947, is very useful. Carl H. Chatters, "The State, the Municipalities and the People," *Municipal Finance*, Aug., 1947, is an excellent statement of the whole problem.

Municipal Revenue recommended, and the legislature accepted, a plan which provides for interim and final adjustments in the state-local tax system. The plan provides, in part, that local governments receive the revenues from the mortgage and the utilities gross receipts taxes, which together amount to over \$20,000,000. Certain local expenditures are borne by the state. Although shared-taxes had risen from \$34,500,000 in 1920 to \$71,000,000 in 1940, local property taxes rose from \$333,000,000 to \$874,000,000 in the same period. After scrutiny of these and related facts, the Commission concluded that the old shared-tax system, which did not correspond to municipal needs (greatest when state tax receipts were lowest) and the quality of services rendered, should be abolished; and that in its place, the state should reimburse localities for welfare expenditures for home relief, old age assistance, aid to dependent children, and aid to the blind. Simultaneously the plan provided more state aid for education (\$26,000,000 in 1946). A formula for aid was devised whereby payments are made on a per capita basis (\$6.75 for cities, \$3.55 for towns, \$3.00 for villages), but the formula is being applied gradually, coming into full effect only after the results of the 1950 census are published.⁴

The New York plan is given *in extenso* here because it indicates an intelligent and competent approach to a difficult problem. Although it does not sound the death-knell to shared taxes, it suggests that future contributions by the states will probably be based more directly on needs and efficiency of local administration than on the principle of local vested interest in sources of revenue.

According to the American Municipal Association, forty-three states are now sharing about \$400,000,000 in state-collected taxes with the cities—not counting the millions of education aid. Only Florida, Kentucky, Nevada, Texas, and Vermont do not share taxes. Seventeen states return \$55,000,000 in liquor taxes, eighteen states return \$52,000,000 in gasoline taxes, and twenty states return \$45,000,000 in motor vehicle taxes.

4. See speech of Comptroller, F. C. Moore, Jan. 22, 1947, reprinted by State of New York, Department of Audit and Control. Cf. *Providence Government Research Bureau*, Sept., 1940, and H. F. Long, "The State and Its Political Subdivisions," *State Government*, April, 1945, pp. 62 ff.; D. K. Edwards, "The Rise of Governmental Centralization in North Carolina," *Popular Government*, Sept., 1947.

In connection with state aid, we may say that taxpayer associations perform a useful service in helping define local efficiency. The Civic Federation of Chicago stated in early 1947: "unless city officials are willing to initiate a thoroughgoing revision . . . of existing practices and policies affecting personnel and purchasing, we do not believe that the city is on firm ground in asking for more revenue from any source." Nevertheless, cities have had to grant wage increases to hold their employees; and many are spending money to attract industry—which may or may not be a sound investment. At any rate, twenty-three states have enacted laws enabling cities to engage in industrial promotion and municipal advertising.⁵

Although the constitutional relation between the nation and the states is not the same as the relation between the state and its subdivisions, there is a basic similarity in the grants-in-aid, shared-tax, and redistribution of functions and obligations programs. The higher unit consistently tries to obtain a fairer and more adequate basis for revenue and to elevate the standards of administration as compensation for its intercession.

Although local government is gaining in power, counties and cities are still the subordinates and creations of the states. In the larger states, such as New York, California, and Pennsylvania, the cities have put pressure on the state legislatures to relax controls (home rule) and more generously redistribute taxes and fees collected by the states within the municipal limits. Sometimes, as in Illinois and Indiana, the states and the cities have a mutually corrupting influence on each other.⁶ In Missouri, the cities have lagged behind the state in political and administrative regeneration. Ohio, on the other hand, has never reached in the state the high level of government prevailing in Cincinnati, Cleveland, Dayton, and Toledo. Experts are convinced that cities should be freer and more independent; but they are divided on the subject of remedies.⁷

5. Public Administration Clearing House *Bulletin*, April 8, 1946, June 3, 1946.

6. For corruption in cities (and states) see *National Municipal Review*, Jan., 1947, esp. Luther Gulick, "Shame of the Cities—1946," pp. 18-25; R. L. Allen, *et al.*, *Our Fair City* (New York, 1947).

7. See the *National Municipal Review*, *Public Management*, and the voluminous writings of Reed, Kneier, Anderson, Munro, Merriam, Gulick, Ascher, Martin, Hatton, Dodds, Dykstra, and Jones. The 1947 Report of the Council of State Governments is summarized in *Minnesota Municipalities*, Mar., 1947, pp. 83 ff. The most recent authoritative work is Committee on State-Local Relations, *Report* (Council of State Governments, Chicago, 1946).

THE STATES AND THE NATIONAL GOVERNMENT

In the interplay of influence there is a twilight zone. Constitutionally the states have the "police power"—the "power of the state to restrict the individual's freedom of action, or the free use of his property, in order to protect the health, safety, morals, good order, convenience, or general welfare of the state."⁸ A stupendous amount of legislation has been passed to accomplish these purposes, but the courts have tended to construe the federal and state constitutions narrowly, and the state legislatures have had to press for voluminous constitutions and frequent changes.

Secondly, states dominate the function of taxation. Before the war, in 1937, out of over \$12,000,000 collected in taxes in the United States, 22 per cent went to the states;⁹ 36 per cent went to the local governments and nearly half of the remaining 42 per cent collected by the federal government went to pay for state and local improvements. On the other hand, certain states are limited in their taxing powers by the fact that much of their real estate is federally owned. Twelve states prohibit by statute or constitution the taxation of federal governmental property; the remaining thirty-six permit the taxing of property which the federal government declares taxable. Since 24 per cent of the total land area of the United States is owned by the federal government, it is often thought that the western states particularly lose vast sums because of this tax-exempt land. But its market value is only \$4,600,000,000 and most of it is sparsely populated. Moreover, states are amply reimbursed by "in lieu" payments, amounting to \$12,000,000 in 1942. State governments practically monopolize the regulation of insurance companies, but share with the federal government the control of banks, corporations, public utilities, and transportation. States exclusively provide for and control education, and dominate the field of social security.

On the border-lines, between the states and the federal government, and the states and the local government, are many

8. R. E. Cushman, "The Supreme Court and the Constitution," *Public Affairs* pamphlets, No. 7 (New York, 1936), pp. 16-17. Also Ernst Freund, *Administrative Law, Cases* (St. Paul, 1911), R. L. Mott, *Due Process of Law* (Indianapolis, 1926).

9. *State Government*, Jan., 1938, pp. 9-11.

vitaly important problems which have suffered from inattention, no action, too little action, confusion and overlapping, or too much attention. In those few countries which have some pretensions to social responsibility, there is an adequate statistical and reporting service, a competent and well-equipped agency for public planning, a centrally organized security system embracing medical aid and hospitalization programs, a unified transportation system, and a career service for politicians. These are lacking in the American states.

We have always recognized the obligation of the central government to aid the states. In 1835 the national surplus was divided among the states. "Pork barrel" legislation began in 1837 when the federal government began making large appropriations for internal improvements, public buildings, rivers and harbors, and other "national" purposes. Obviously such expenditures are necessary and proper. But, they have been almost constantly criticized because the amounts and allocations would be determined by a process of trading votes which caused the total amounts to rise to what many considered an unsafe level. Other grants, such as those provided for education by the Morrill Acts of 1862 and 1890, the Hatch Act of 1887, and the Purnell Act of 1925, were felt to have been scientifically conceived and administered. Many acts helped one region more than another. Thus, the legislation of 1904-06 for financing agricultural education benefited chiefly the South, as did the Smith-Lever Act of 1914. The Smith-Haynes Act of 1917 and the Highway Act of 1921 extended aid to all states impartially even though the larger states reaped the richest rewards.

Let us look briefly at education. Although the federal government has several agencies which have some duties and responsibilities affecting education, there might as well be none. Never in our history has there been so keen an awareness of unsolved problems and so helpless a feeling of frustration as in connection with education.

The control of business, on the other hand, is what might be called one of the "ends" of government. The federal and state governments concurrently regulate business.¹⁰ The confusion and complications which result from this division of authority are appalling. Manufacturers, railroads, banks, and

10. Cf. S. C. Wallace, *Our Governmental Machine* (New York, 1924), p. 109.

other private economic organizations maintain extensive and expensive lobbies and pressure groups on all levels of government. Huge levies on the wealth and attention of citizens are made to sustain this effort. From 1868 to 1944, by decisions of the Supreme Court, insurance had been held to be a matter of exclusive state control.¹¹ As a consequence, this vastly important business has been operating under forty-eight different state laws, with all the defects of this kind of regulation.¹²

The suppression of crime has traditionally belonged to the states. In the early days, only a few offenses such as treason, maritime offenses, and offenses against the law of nations, etc., were "federal" crimes. All other crimes were "state." But as life in the United States became more integrated and complicated, three reactive tendencies asserted themselves: (1) Certain crimes became "federal," e. g., violations of federal laws such as those relating to mail robbery and bootlegging. Criminals can no longer escape an effective jurisdiction if the matter is involving the transportation of stolen cars or use of the mails to defraud or to organize nation-wide or regional conspiracies. (2) States began to establish state police forces with jurisdiction nearly concurrent with that of state courts. (3) States began to coöperate with each other, to observe the constitutional requirements for rendition of fugitives, and to assist each other in the treatment of parolees. Notwithstanding related attempts to obtain a uniform criminal law and procedure for preventing and suppressing crime, there are still many anomalies and defects in American criminal law.

Again, take the matter of grants-in-aid. The federal union was formed on the assumption that, by and large, each community or level of government would finance all activities which it had undertaken by direction or choice. But since then, many grants-in-aid have been made by higher to lower levels of government. The new assumption seems to be that while it is desirable for a local or state government directly to administer a certain function, it is both necessary and desirable for costs to be levied on the entire population. The social results of this process are undeniably good: many poor communities now have

11. Cases of *Paul v. Virginia* (8 Wall, 168, 1868); *United States v. Southeastern Underwriters* (322 U. S. 533, 1944).

12. See *State Government*, Feb., 1947, for the effect of recent federal action giving states an opportunity to regulate insurance.

services they would not have had if they had been required to pay for them out of local economic resources. Moreover, the regulations imposed by the granting authority, whether federal government or state, tend to make administration more efficient and just. But, improper and selfish and politically unwise considerations have been allowed to influence the allocation of projects; and citizen responsibility has been weakened.

The same observations may be made with reference to the allocation of federal funds to purely federal projects. Thus grants of Reconstruction Finance Corporation loans, Public Works Administration funds, and other federal financial assistance, and the distribution of federal monies for federal institutions or federal aid have constituted firm foundations for the support of local political machines — both good and bad.¹³ The bad ones, of course, have derived more comfort from federal aid than the good ones. What is even more ironical, many poor communities have fallen into the evil habit of pleading for more help and less regulation—and have even gone so far as to demand the complete elimination of national ownership and control.¹⁴

SUMMARY

In summarizing this chapter, we may say that many of the problems associated with the intermediary status and functions of states may be encountered in any government whose size, complexity, and evolutionary disparities require intermediate units of government. When we apply approved tests,¹⁵ we must agree that the influence states exert on the federal government is not a salutary one, that there is too much disparity and too slow progress in the whole manner of control by the states over local government, and too much confusion, uncertainty, and public ignorance with respect to the twilight zone between the nation and the states, and the state and the local subdivisions.¹⁶ Those

13. C. A. Beard, *The Republic* (New York, 1934), p. 245.

14. Cf. J. E. Holmes, *The Public Land Question in New Mexico*, and T. W. Schultz *et al.*, *Symposium on the Public Lands*, Studies 11 and 12, Division of Government Research, University of New Mexico (Albuquerque), 1947.

15. (1) Is it just, (2) efficient, (3) economically sound, (4) politically representative, (5) adaptable to changing needs, and (6) does it develop initiative and responsibility?

16. A. T. Edelman, "The T.V.A. and Intergovernmental Relations," *American Political Science Review*, June, 1943, pp. 45-68. A. W. Bromage, "Federal-State-Local Relations," *American Political Science Review*, May, 1943, pp. 35-48. (This article discusses these relationships in time of war and describes how they

who cherish a healthy sound local self-government will agree with the complaint of the "taxpayers" that the federal government is "usurping" tax potentials when it takes, as it did in 1945, over eight times as much as the state governments. And they will be staggered by the facts that one-tenth of all state revenues in 1946 came from the federal government and nearly one-fourth of local revenues came from the state or federal governments. Of course, we may argue that it is not which governmental level raises the money and administers the revenues; it is *how* the job is done which weighs the most. Any way you look at it, this is not the same old union conceived by its founders.

have extended upward, downward, and outward.) Willard Ice, Simon Stickgold, "The Role of State Governments in the Postwar Era," *American Political Science Review*, December, 1942, pp. 1103-1108. Various writers in a symposium on "Ten Years of the Supreme Court" (*American Political Science Review*, Dec., 1947, to Feb., 1948), edited and arranged by R. E. Cushman, have summarized the development of constitutional law respecting federalism, states' rights, the commerce power, and so forth, as the law is found in opinions of the United States Supreme Court. D. Fellman in the chapter on "Federalism" concludes with ample documentary evidence that: (1) the powers of the states have expanded as greatly as federal powers; (2) the supremacy clause is valid in most cases as against states; (3) title to the lands under the territorial waters of the United States is national; (4) the Court will not "invalidate state action when its impact upon matters of federal concern is not substantial"; (5) the rights of the states in suits which they bring or are brought against them are construed so as to protect the states—and so forth. Generally speaking, the tendency of the Court has been to foster a "coöperative federalism" and to eliminate unsound, illiberal, and capricious interpretations of the distribution of powers. These articles are available in reprint form. They should be read carefully.

Chapter VII

THE PERFORMANCE OF THE LAW- MAKING, ADMINISTRATIVE, AND ADJUDICATIVE TASKS

LAW AND LEGISLATURES

The difficulties Georgia experienced in early 1947 in determining who should be governor (Governor-elect Eugene Talmadge had died shortly before inauguration) highlight the defects in state constitutions which are usually too long and detailed, and, at the same time, too vague about very likely critical contingencies. We quite obviously need shorter, fewer, and "more general" constitutions. The longest constitutions are those of Louisiana, California, and Oklahoma. In these and other states enlightened citizens have striven mightily to get shorter, better organized, and more fundamental constitutions by revision.¹ California's has been amended 256 times. It is in drastic need of complete overhauling. Missouri succeeded in revising its constitution in 1945, but a similar attempt in Kentucky failed in 1947. Nineteen states allow the question of whether a convention shall be called to be submitted to the people only after a two-thirds vote of the legislature. Twelve states have no specific provision in their constitutions for calling conventions. The resistance to constitutional change is particularly potent among interest groups protected by tax limitations, the rural areas which fear reapportionment, the liquor interests which fear prohibition (Kentucky) and the local political machines. Optimistic political scientists and disinterested citizens

1. Constitutions, whether short or long, general or specific, are subject to the judicial habits of construction but it may be said that the long or "legislation-filled" constitution offers the greatest difficulties to the legislature and the greatest restrictive opportunities to the courts.

keep trying to improve the basic laws of the states, but the outlook for success is not bright. Now and then, some scholar reports that the personnel of conventions is superior to that of legislatures, but this is of small comfort when there is no prospect of conventions being called.²

On the legislative side, there is a vast amount of descriptive literature; and too little critical analysis. Ogg and Ray have written that only a small fraction "of the state legislatures meet the requirements of a good legislative body."³ Beard, more cautious in his judgment, merely reports that the state legislatures have been criticized as follows: (1) low character of members, mediocre talent, inexperience; (2) excessive quantity of legislation; (3) too low quality of legislation, loose language, unclear purposes; (4) delays, haste, confusion in passing laws whose effect is subsequently ignored; and (5) corruption of members, who allow a priority of private over public interests.⁴ Holcombe, in his 1926 edition, wrote that legislatures were less venal and more efficient than they had been formerly.⁵ Graves had not found much improvement ten years later,⁶ and twenty years later, Dimock could report very little progress, even though he attributed most of the ills of state legislation to restrictions imposed by the courts and the constitutions.⁷

Specifically, it has been argued that legislatures are "fairly representative." Actually rural interests are over-represented;⁸ and workers, educators, engineers, and minority nationality, racial, and religious groups are under-represented. There are

2. Addresses of N. J. Burke, William Bradshaw, W. L. Hindman, *et al* at the National Conference on Government, Nashville, Tenn., Nov. 12, 1947. Also W. B. Graves, *American State Government* (Boston, 1946), pp. 51-108. The standard authorities are A. E. Buck, W. F. Dodd, R. S. Hoar, J. A. Jameson, and those named above.

3. F. A. Ogg and P. O. Ray, *Introduction to American Government* (New York, 1945), pp. 734-35.

4. C. A. Beard, *American Government and Politics* (New York, 1939), pp. 564-565.

5. A. N. Holcombe, *State Government in the United States* (New York, 1926), pp. 286-7.

6. W. B. Graves, *American State Government* (2nd ed.), Chaps. VI, VII, VIII.

7. Dimock and Dimock, *American Government in Action*, p. 343. Riethmayer suggests that low pay (average \$600 per year) is one cause of legislature inefficiency. See L. C. Riethmayer, "State Action or National Centralization," *State Government*, March, 1946, p. 91.

8. P. H. MacNeil, "Urban Representation in State Legislatures," *State Government*, April, 1945, pp. 59 ff.; Ed., "Self-Destruction by the States," *National Municipal Review*, December, 1945, pp. 534-5. L. C. Dorweiler, "Minnesota Farmers Rule Cities," *Ibid.*, Mar., 1946, pp. 115-120; Cf. *Cedar Rapids Gazette*, quoted in *The United States Municipal News*, June 1, 1947; also Sept. 1, 1947.

too many lawyers who represent not so much an interest as a kind of competence poorly suited to the tasks of legislation. As in Congress, legislatures in the states, largely composed, outside of the South, of members of the two major parties, do not reflect the actual political divisions among the people.

Zink does not agree that dishonesty is a thing of the past. "The Indiana General Assembly of 1937," he writes, "had enough grafters among its members that a regular scale of prices was drafted for quotation to those who sought improper favors."⁹ But even Zink thought that on the whole the state solons were able and conscientious men. Perhaps the more representative they are, the less experienced. At any rate, the turnover is high, and not many state legislators have had previous law-making experience.¹⁰

The distrust of legislatures which was particularly keen in the first decade of this century led to many adoptions of methods of direct legislation. Supported by such national leaders as Hughes, Theodore Roosevelt, and Wilson in the East, La Follette, Merriam, and Ickes in the Middle West, the initiative and referendum were fundamentally western ideas which were first used in Oregon and are now most popular in the West and New York. Thirty-four states provide for direct submission of constitutional or statutory proposals to the voters, which now average about 150 per biennium.¹¹ There are many arguments for and against the use of these direct government devices. Although they sometimes seem unnecessary and burdensome to the voters, the consensus of informed opinion is that, state legislatures being what they are, the initiative and the referendum are essential as safeguards to democracy.¹²

For many years it was a moot question whether the influence of the lobby was worse in Washington or the state capitals. On the whole the trend is toward improvement of conditions on both levels, even though the lobby is acutely obnoxious at certain times and in some places. Both Congress and the state legis-

9. Harold Zink, *Government and Politics in the United States* (New York, 1946), p. 776. Zink would probably agree that conditions have improved in the past ten years.

10. Earl Shoup, *The Government of the American People* (Boston, 1946), p. 405.

11. Bureau of the Census, *Special Reports*; also *National Municipal Review*, July, 1945, p. 341.

12. Cf. Harvey Walker, *Law Making in the United States* (New York, 1934), pp. 474 ff.

latures have taken steps to regulate lobbying. In Michigan a circuit court even enjoined the Michigan Municipal League, a quasi-official body, from carrying on "legislative activity;" a decision overruled by the Supreme Court in January, 1947.¹³

Authorities are divided in their assessment of the functions and workings of the state legislatures. As the Library of Congress and the committees serve Congress, so in many states there are legislative councils, legislative reference bureaus, and interim committees which study the matters which require legislation, make reports and suggestions, and draft laws.¹⁴ The Kansas, Nebraska, Illinois, Missouri, and New York legislative assistance agencies have performed notable work. One may also suggest that in Alabama, Texas, New Mexico, and Michigan, the state universities have been extremely helpful to their legislatures. But none of this effort seems to have touched the central problem of obtaining legislative bodies and procedures which are representative, adequate as to powers, competent, and forward-looking. Certain it is that none of the official state legislative agencies and few of the universities and private governmental leagues have done much to redefine the problems of state and regional government. It seems appropriate to suggest that unless this be done we will not achieve "local" government which measures up to the criteria of adequacy of power, representativeness, and so on.¹⁵

13. *Michigan Municipal Review*, January, 1947, p. 3. W. R. Lomax, who has studied state control of lobbies, says that in many states the regulations are inoperative.

14. G. D. Smith, *Aids for Lawmakers*, Bureau of Public Administration, University of Washington, Seattle, Rpt. No. 68, Dec., 1946; *North Dakota Taxpayer*, Aug., 1946, p. 4; *Ann. Rpt. of the Illinois Legislative Council*, Springfield, Jan., 1947.

15. J. A. Perkins, in "State Legislative Reorganization," *American Political Science Review* (June, 1946), pp. 510-521, reports that twenty-eight states have given consideration to the renovation of the legislature. He refers partly to studies made in Massachusetts, Connecticut, California, New York, Michigan, Alabama, and Indiana. Among subjects he mentions reapportionment, problems of legislation, oversight of administration (especially New England); the attempt in Michigan to abrogate rules and regulations of state agencies, efforts to intensify legislative control over budgets, and various programs for improving organization and procedure. See also his "The Legislatures and the Future of the States," *State Government*, Oct., 1946, pp. 254-266; D. Hale Brake, "Practical Suggestions and Prospects for Legislative Reform," *ibid.*, June, 1947, pp. 161 ff. *State Government* (esp. July, 1947) regularly reported on what the legislatures are doing. John W. Lederle in "New York's Legislature under the Microscope," *American Political Science Review* (June, 1946), pp. 521-27, relates recent attempts to improve legislation in New York. J. A. Rhodes, "Light for State Legislatures," *National Municipal Review* (Sept., 1946), pp. 393-399 deals with recent attempts to improve legislative procedures especially in Missouri, Alabama, and Indiana.

ADMINISTRATION, THE GOVERNOR AND THE LEGISLATURE

Leonard White, an outstanding authority on administration, has come to the conclusion that legislatures are chiefly responsible for the faults of administration. Observing that legislatures need to revolutionize their strategy, methods, and organization, White says: "The details of the business of government have escaped the competence of legislative committees and chairmen; the possibility of deciding policy by settling details, once feasible, has disappeared; and in the future, legislatures perforce must deal with administration on the basis of principle and generality, if they are to deal with it effectively and in the public interest."¹⁶ Legislatures attempt to do too much, he concluded, and they sacrifice long-run considerations to immediate, local, or personal advantage.

Turning now to state administration, we find that state administrative structure is unwieldy, complex, not on a high level of competence, uneven, and drastically in need of reformation. The office of governor steadily declined in power until 1860. Since then the governor has become more independent of political and legislative controls, and has obtained more influence over legislation, and over local government. But he has become weaker with respect to the judiciary and the state administration. Some states have been blessed with strong leaders in Governors Theodore Roosevelt, Hughes, Smith, F. D. Roosevelt, Herbert Lehman of New York, Lowden of Illinois, LaFollette of Wisconsin, Murphy of Michigan, Warren of California, and Olson and Stassen of Minnesota. But according to Zink,¹⁷ most governors have been figureheads, such as O. K. Allen of Louisiana; "mine-run" men of the people (take your pick); grafters such as the more notorious governors of Illinois, Ohio, Colorado, Indiana, New York, Oklahoma, and Texas; or "show-men" of the ilk of O'Daniel, Folsom, Richardson, Folk, Frazier. A glance at the campaign literature presented to the people by recent candidates for reelection as governor, reveals the con-

16. See Roscoe Martin (ed.) *New Horizons in Public Administration* (University, Ala., 1945), p. 6.

17. Harold Zink, *op. cit.*, pp. 732 ff. Cf. Leslie Lipson, *The American State Governor* (Chicago, 1939). Drew Pearson (in *Indianapolis Star*, Nov. 17, 1947) concluded that the western governors were the most "broadminded."

fusion in the popular mind (and the governor's) concerning the real nature of the office.

Where states have reorganized their administrative structures, it can be said that two things are true; the governor has a clearer responsibility, and the administration is more efficient.¹⁸ Some of these reorganizations were haphazard and in-

Table 3
THE AMERICAN CIVIL SERVICE, 1945-46 *

	June, 1945	June, 1946
Federal Employees (Executive Branch)		
—excluding War and Navy Depts.	1,103,818	1,309,353
—including War and Navy Depts.	3,543,326	2,748,545
	April, 1945	April, 1946
State and Local Employees		
—Non-school employees	1,881,000	2,064,000
—School employees	1,260,000	1,390,000
Total	3,141,000	3,454,000
	June & April, 1945	1946
Total — State and Federal	6,684,326	6,202,545

* Sources: Federal—Byrd Comm. Report, Sen. Comm. Print 18, 79th Congress, 1 session; Sen. Comm. Print 29, 79th Congress; 2nd Session, State & Local: Bureau of the Census; *Public Employment in April, 1946*.

effective. It is generally thought that the Illinois and New York reorganizations were most intelligently accomplished. But while Alabama, Colorado, Idaho, Louisiana, Minnesota, Missouri, Montana, Virginia, and North Dakota have profited most by the reorganization experience of others, they have not yet evolved any distinct pattern. The experts generally agree on fewer departments, the merit system, greater authority in the governor, centralized financial responsibility, and, as White suggests, more freedom in the administration.

Of the twenty-three states which now use the merit system, only a few are attempting a thorough application of it. Some

18. Cf. Zink, *op. cit.*, p. 837. The states which have "reorganized" their governments are Illinois (1917); Idaho, Massachusetts, Nebraska (1919); Ohio, Washington (1921); Maryland (1922); Pennsylvania, Tennessee, Vermont (1923); Minnesota, South Dakota (1925); New York (1915-1927); California, Virginia (1927); Maine, North Carolina, Georgia (1931); Colorado, Indiana (1933); Kentucky (1934); Minnesota, Michigan (1938). Cf. F. F. Blachly, "Who Should Organize State Administration?" *The Southwestern Political and Social Science Quarterly*, Sept., 1923, pp. 95 ff.; A. W. Bromage, "Simplifying State's Business," *National Municipal Review*, Mar., 1947, pp. 131 ff.

of those which do not use it are fairly well administered; but, generally speaking, we may say that over half the states are incompetently and inefficiently managed.¹⁹

On a quantitative basis, there were 6,000,000 public employees in October, 1946, of which 2,400,000 or 41 per cent were federal employees. One and one-half million people were engaged in public education, and 2,100,000 in state and local non-school functions. That is, 24 per cent were in the schools and 35 per cent were performing other state and local duties. Due to the cessation of war activities, the proportion of federal employees declined, while the number of teachers, school administrators, and other local employees rose. Monthly pay rolls rose from nearly \$600,000,000 in 1940 to nearly \$1,150,000,000 in 1944, dropped in 1945 and rose again in 1946. It is important to note that whereas the percentage of state and local employees was nearly equal to the percentage distribution of total population in the states, the twelve largest states paid out 64.6 per cent of the total in salaries and wages, to 58.6 per cent of total population.²⁰ By January of 1947, federal employment and payrolls had continued to drop, state and local to rise, a movement accelerated by April, 1947. The largest gains made during April, 1946 - April, 1947, were in the southern states. Only three states—Virginia, Wyoming, and North Dakota—fell behind. Schools, highways, and hospitals account for the greatest number of state employees (April, 1947: 27.9 per cent, 16.7 per cent, and 15 per cent, respectively). In a study of selected metropolitan areas in 1947, the highest proportion of state employees was found in Minneapolis—St. Paul, Minnesota, and the lowest in Cleveland, Ohio. California outranks all the states in percentage of total United States county employees. The New England states and Delaware have the fewest, and lowest per capita, number of county employees. Generally, the trend in county employ-

19. See Council on State Governments, *The Book of the States*, 1945-46 (Chicago, 1945); H. E. Kaplan, "Legal Trends in Civil Service, 1945," in N. Y. U. School of Law, *1945 Annual Survey of American Law* (New York, 1946); H. L. Henderson, "How a State Can Be Managed," *National Municipal Review*, November, 1946, pp. 408-513. This is a summary of seven years experience of Minnesota with the governor-manager plan. He holds that Minnesota has made substantial progress in keeping its finances in balance, improving its business methods, managing the various affairs of the state government and keeping the legislature informed.

20. These and following statistics are taken from United States Bureau of the Census, *Government Employment*, May, June, July, November, 1947.

ment and payrolls is identical with that of the states. In city non-school employment, on the other hand, the number of employees has remained fairly constant in the past seven years and payrolls have risen gradually with the greatest increase taking place in 1946. New York state has by far the largest percentage of city non-school employees (19.4 per cent). Quantitatively, there are enormous differences in amount of state and local employment between the states. Qualitatively, the best administered personnel systems are those of New York and the New England states.

THE COURTS AND THEIR LAW

The judicial systems of the states are first and foremost *not uniform*. Notwithstanding a superficial similarity in structure, of which the charts show lower courts, intermediate courts, courts of appeal, and reports, there is an amazing variety of provisions regarding judicial administration and the classification of courts; qualifications, selection, compensation, retirement, and removal of judges; staffing with non-judge personnel; and judicial councils.²¹ Gradually, slowly, the common law has become universalized, through the practice of the courts of one state considering as "advisory statements" with "great moral weight," the decisions of courts in other states.²² Some states have tried to codify "the entire domain of law." Needed, obviously, is a national code. Already civil procedure is quite well established by statute in most states, and in many states the law dealing with particular subjects such as real property law and lien law is codified. But however much the law within a state is made precise and uniform, there are still glaring differences in the laws of the several states. To some extent this situation is remedied by the "encroachment" of the federal government. In some fields, also, notable progress has been made in getting the state legislatures to adopt model, uniform state laws. Examples are the laws dealing with negotiable instruments, warehouse receipts, narcotic drugs, and declaratory judgments.²³ There remain depressing and apparently irremediable differences in the laws regarding civil actions, divorce, taxation, and crime.

21. *The Book of the States*, 1945-46, pp. 439-452; whole number, *Journal of the American Judicature Society*, Feb., 1948.

22. Beard, *op. cit.*, p. 677.

23. W. B. Graves, *Uniform State Action* (Chapel Hill, 1934); his *State Government*; and issues of the periodical *State Government*.

One of the most outrageous examples of the futility of federal intervention intended to supplement ineffective state action was the case of Al Capone, racketeer and murderer, who was convicted on the charge of income tax evasion, imprisoned, and released to die a "natural" death in 1947 in his palatial mansion in Florida. In this case, the federal government was "called in" because of the complete breakdown of local law-enforcing agencies in Chicago. About the same time were passed the "Lindbergh" law, and others designed to enlarge federal jurisdiction over crimes which were originally state offenses.²⁴ Though helpful, this recourse to federal aid in crime suppression has not had a good effect. The practice of "copping pleas" and of prosecuting wrong-doers for minor offenses has subtly undermined respect for law; and in some cases, where political bosses and hoodlums had seized control of local law-enforcement machinery, even appeals to the F. B. I. have gone unheard.²⁵

When police and courts are jointly controlled by the political machine, the administration of justice falls to a low level.²⁶ Even where there is no corrupt alliance, Graves could say, "If it be true . . . that we shall never get a satisfactory administration of justice in the rural districts until the justice of the peace system is either abolished or extensively modified, it is doubly true that we shall never get anything approximating substantial justice in our urban communities unless or until the magistrate system is abolished."²⁷ Though not so bad as those named, the county, district, intermediate, and appellate courts have not escaped criticism. In general it has been found that elected judges are inferior to appointed judges, that compensation by fees is entirely bad, and that provisions regarding compensation should never be in the constitution. In their able summary of the defects of state courts,²⁸ Ogg and Ray criticize the structure of the courts; the terms, selection and removal of judges; their

24. A. C. Millspaugh, *Crime Control by the National Government* (Washington, D. C., 1937); L. B. Boudin, "The Anti-Racketeering Act. . .," *Cornell Law Quarterly*, March, 1943, pp. 261-85.

25. T. H. White, "The Battle of Athens, Tennessee," *Harpers*, Jan., 1947, pp. 54-61.

26. Cf. Seabury Report (Albany, Dec. 27, 1932): Raymond Moley, *Tribunes of People* (New Haven, 1932).

27. *Op. cit.* (3rd ed), pp. 513-14, and works cited.

28. F. A. Ogg and P. O. Ray, *op. cit.*, pp. 868 ff. Cf. also, works cited there, and the *Journal of the American Judicature Society*, recent issues. See also references in Graves, pp. 582-85.

administrative methods; the absence of centralized supervision; and, finally, question their procedures. In the latter category, they emphasize (1) the absence of law-making power; (2) legislative limitations on trial judges; (3) legislative amendment of the rules of court procedure; (4) the inability of judges to control the court. Finally, they list ten other notorious faults in the judicial, appellate, and jury system.

About half the states have state police, or constabulary, who have practically taken as their own the functions of the sheriffs. The chief complaints about state police is that they have been used too frequently in labor disputes,²⁹ and that it takes too long to work out effective coöperation and coördination of duties with the sheriffs and municipal police. Thus, in the summer of 1946, the New Mexico police were in a dither for months and by September 1 had not worked out any consistent and enforceable stand with reference to traffic violations and slot machines. They stood confused, with one eye on the traditional constitutional pattern of local law enforcement and with the other on inconclusive directions from the legislature. However, to be fair, one must admit that these are general problems of law enforcement. The real fault with the state police as such is that there is not now, and cannot be without constitutional change, a uniform, national system of intermediate police agencies to fill the gap between local and federal police.

SUMMARY

Much of the adverse criticism leveled at state legislatures terminates in fuzzy declarations of faith. The newspaper critics almost uniformly assert that malfunctioning is a characteristic of the particular time during which they make their observations and the political scientists weakly conclude that we get what we deserve. However, the choice of legislators by some system of proportional representation certainly deserves attention; and the experience of New York suggests that if improvements in structure and reorganization benefit Congress, they should also benefit state legislatures. On the administrative side there is more agreement among the experts, who present a solid phalanx against the spoils system, and lack of coördination and respon-

29. Bruce Smith, *State Police* (New York, 1925); and his *Organization and Administration of Police Systems in the United States* (New York, 1940).

sibility. The faults in judicial organization are reasonably clear, but the business of remedying them is obscured and frustrated by the seeming impossibility of choosing between responsiveness to public opinion and security for the judges as a criterion of adjudication. The really fundamental problem is that of state constitutions. If we are going to preserve local autonomy and variation in the states, it is unwise and impracticable to try to get uniform constitutions. On the other hand, have we not experimented long enough with constitutions which obstruct equal representation in the legislatures, strangle home rule in counties and cities, and maintain archaic administrative and judicial organizations?

Chapter VIII

THE STATES AND SOME OLD PROBLEMS IN EDUCATION, WELFARE, AND CRIME

Since we cannot here compare and evaluate all aspects of state government, let us limit ourselves to more or less summary comments on a few important functions. But first let us note, for the record, that under our state system, there have been shocking instances of almost complete failure in some fields, and most baffling frustration in others.

EDUCATION

It has been accepted as eminently proper that the states should control education, even though we make exceptions in the case of religious groups desiring parochial schools,¹ certain types of technical and professional education, and higher education. Slowly the standards for technical and professional education conducted by private agencies are being indirectly raised, and standards for schools training young people to be barbers, cosmeticians, dentists, and doctors, are being imposed and enforced by the state authorities. Higher education deserves a treatise of its own, but we may say in passing that state-owned and operated institutions,² with all the stupendous financial advantages which some of them enjoy, have not realized their potentialities. Millions of ex-GI's, many of whom have been out of school for as much as five years, are crowding the campuses, and putting fearful burdens on the housing, plant, equipment and teaching

1. This is a burning question which has been too hot to handle by scholars. Actually, we know little about it. See National Education Association, *Research Bulletin*, Vol. XXIV, No. 1, Feb., 1946. In the McCollum Case decided March 8, 1948, the United States Supreme Court banned religious teaching in the public schools. Cf. *School and Society*, March 27, 1948.

2. Cf. H. D. Gideonse, *Higher Learning In a Democracy* (New York, 1937).

staffs of the colleges. The federal government is paying for their education, but the states, in most cases, have had neither the resources nor the initiative to make it possible for their educational institutions to take care of the veterans properly.

On the lower levels, that is, high school and elementary schools, conditions are often deplorable. Even the popular magazines, such as *Look*, *Life*, the *Saturday Evening Post*, and *Collier's*, have become concerned, and when such journals are unanimous in condemning our educational system, education has reached a sorry state indeed. R. M. Hughes and W. H. Lancelot, in their study of education,³ ranked the states according to the quality of their school systems, which depended, of course, on resources, will, and energy. They found that of the twenty-two states west of the Mississippi, sixteen ranked in the upper half, and, of the twenty-eight states lying north of the Mason-Dixon line, twenty ranked above the average. Surprisingly enough, Delaware, Maryland, and Rhode Island, which are relatively wealthy states, are among the lowest five. The southern states were, on the whole, the worst; the Pacific Coast states and the western half of the Middle West were the best. But, even in the "good" states thousands of teachers are deserting to join the 350,000 who have quit since 1939, and accommodations for students have reached new low levels.⁴ The average teacher gets \$2,000 — a civil service day laborer's pay is \$1,690 to start. "In one war year," *Newsweek*⁵ reported, "Americans spent twice as much on alcoholic beverages as on schools."

First among the reasons for our failure to educate our youth properly is our unwillingness or inability to give the supporting

3. *Education, America's Magic* (Ames, 1946). An excellent study of the nature, effects, and deficiencies of state control over education is R. W. Holmstedt, *State Control of Public School Finance* (Bloomington, 1940). See also: The School Finance and Tax Commission, *State Support of Public Education in Illinois* (Springfield, Mar., 1947); *Your Government Affairs*, Aug. 11, 1947.

4. See the reports of Dr. Fine, in the *New York Times*, Jan.-Feb., 1947; also: R. M. Hutchins, "Uncle Sam's Children," *Saturday Evening Post*, Jan. 28, 1939, pp. 23 ff; Kyle Crichton, "Our Schools are a Scandal," *Collier's*, April 13, 1946, pp. 32 ff; H. Logan, "The Failure of American Education," *Look*, May 28, 1946; Citizens Bureau of New York State, *Research Bulletin*, No. 24, and No. G-13 (1939) and New Jersey Taxpayers Association, *Special Bulletin*, No. 88A — both objecting to more taxes for schools. For New Mexico, T. C. Donnelly's "The State Educational System," *Research Bulletin* No. 1, 1946, is authoritative and complete. New Mexico citizens will also be interested in *New Mexico Tax Bulletin*, Feb., 1947. *The Iowa Taxpayer* for Jan. 6, 1947, and *News and Views of the Connecticut Public Expenditure Council*, Feb. 10, 1947, are typically good factual reports. Cf. also *The Book of the States*, 1945-46, pp. 351 ff.

5. *Newsweek*, Feb. 3, 1947.

and administrative agencies funds and authority equal to their obligations. We cling tenaciously to outmoded types of organization and standards of performance which were valid when we first established schools under the principle that "education is a local function." "Schools," we have said, "must remain close to the people." Slowly, contesting every inch of ground, local school boards and trustees give way to the demand for consolidation in larger districts under more general control. Of the 397 cities over 25,000 in population, 36 per cent now operate their school systems as part of the municipal government.⁶ The states slowly enlarge their control over the cities and now we

Table 4
TEACHERS' SALARIES IN REPRESENTATIVE
STATES: 1939 - 1948

	Rank	1939-40	1942-43	1946-47	Per Cent Increase 1948 over 1940
United States		\$1441	\$1925	\$2325	61
New York	1	2604	2931	3400	31
Washington	2	1705	2500	3200	65
Indiana	4	1433	2011	3000	109
Florida	15	1012	1830	2600	157
New Mexico	24	1144	1885	2167	89
Arkansas	44	584	1200	1500	257
Mississippi (last)	46	559	875	1195	114

Iowa and Ohio not reported. *The Washington Taxpayer*, Vol. X, no. 3, 1947.

begin to require help from Washington. "Some of the states," Governor Caldwell has said, "are apparently incapable of financing, from their own resources, schools of standard quality . . . It may be that some form of federal school aid is necessary if the country is to enjoy anything like equality of opportunity for its young people."⁷

6. Public Administration Clearing House (cited *infra* as PACH Bulletin) *Bulletin*, Jan. 11, 1946.

7. M. F. Caldwell, "Education in the Postwar Period," *State Government*, July, 1946, p. 176. Cf. Connecticut Public Expenditure Council, *News and Views*,

It was the southern states which to the greatest extent increased their teachers' salaries after World War II; but these were also the ones which had the farthest to go and the ones which still lag in the rear. In amount of salaries paid, New York is first, with an average salary per teacher of \$3,400 per year in 1947-48 and Washington is second, followed by Maryland and Indiana. New Mexico is twenty-fourth. Although in 1947 the states granted pay increases aggregating \$350,000,000, a meritorious development for which the *New York Times* and such radio entertainers as Jack Benny and Fred Allen deserve much credit, the monthly teachers' salaries in the South and the Middle West are still below the subsistence level.⁸ In the future, public education will have to be supported more generously, organized more efficiently, and freed from the ingrained variety of local and administrative supervision which debases standards. At the same time, there will have to be greater influence by national and regional authorities which alone are capable of fixing standards.

WELFARE

In appraising the social security systems of the states, the federal grants serve as an index of state concern, because they are generally allotted in "direct proportion to the amount of the state and local funds made available" for welfare programs. In 1943-44, states received nearly \$600,000,000 under the Social Security Act. This amounted to \$10.79 per capita for Colorado, the banner state, and \$1.13 per capita for Virginia. Of the \$4,225,000,000 expended from federal, state, and local funds in 1943-44 for social security and related purposes, 45 per cent went for social insurance, 35 per cent for public assistance, 18 per cent for health and medical services, and the rest for other welfare services. The peak years in total welfare expenditures came before the war; since then amounts have dropped, but there are notorious gaps in the laws which result in some states getting disproportionate benefits from the federal government, others matching the maximum nominal grants, and still others protest-

March 20, 1947; and J. A. Arnold, "School Expenditures and the Quality of Education," *G. R. A. Notes and References*, Sept., 1947; C. A. Quattlebaum, *Federal Aid to Elementary and Secondary Education*, Public. Adm. Service, Chicago, 1948.

8. See *The Washington Taxpayer*, Vol. X, No. 3, 1947. Protests of southern governors are reported in A.P. dispatch, Nov. 18, 1947 (see *Indianapolis Star*, Nov. 19, 1947).

ing that their economies will not enable them to maintain minimum living conditions even with federal help. States spent \$500,000,000 for public welfare in 1943,⁹ but more than twice that amount if state aid to local governments and municipal expenditures is included. It is recognized that such states as New York, Alabama, and Iowa have the best administered systems, but when we try to learn which regions provide best for those citizens who stand in need of welfare, we find that the south again is low, even if the ranking on particular items shows no very decided regional trend.

The poor-relief systems of the states broke down in the early 1930's, and their remnants in counties and towns are disgraceful affairs.¹⁰ The federal government, chiefly through the Federal Security Agency, has taken most of the load off the states.¹¹ From 1933 to 1943, practically all emergency relief was provided by the federal government. Social insurance, public assistance to the blind, the aged, and dependent children, and unemployment insurance are on a joint federal-state basis. Disparities in statistics, conditions, demands, grants, and administration have led welfare officials to plead for exclusively federal jurisdiction or decided improvements in state administration.¹² These conditions have also led them to demand additional coverage in both the social insurance and public assistance programs.

In the matter of health and hospitals, the states and local governments are still supreme, and they are still doing a poor job. The most shocking neglect is the lot of the mentally ill,¹³ who are given worse treatment than is accorded sick dogs. Sufferers from alcoholism, venereal diseases, and a few other ills are likewise neglected. Apoplexy, cancer, and heart trouble are

9. Dimock and Dimock, *American Government in Action*, p. 421.

10. On the Indiana system, see Dept. of Public Welfare, *Four Years of Public Welfare in Indiana* (Indianapolis, 1940). Also news reports of Governor Gates' statements, 1946-1947. For Iowa, see *The Iowa Taxpayer*, Aug. 4, 1947.

11. See its reports, also Department of Labor Reports, and Marietta Stevenson, *Public Welfare Administration* (New York, 1939).

12. Dept. of Labor, *Annual Reports*, and *The Book of the States*, 1945-46, pp. 324, et al.; *The Washington Taxpayer*, Vol. X, No. 2, 1947; The Tax Foundation, *A Guide to Economy in Municipal Govt.*, No. 7, "Welfare."

13. See, for example, writings of Albert Maisel, esp., "Bedlam, 1946," *Life*, May 6, 1946, pp. 102 ff. On the entire subject of health, MacDonald (*American State Government*, pp. 478-96) restrainedly gives the facts on administration and issues.

taking fearful tolls among citizens of all classes. And there is not a single state in the Union where a poor man can afford to pay for decent medical care or hospitalization. Compared with such countries as Sweden and Denmark, with their national welfare and insurance systems, the American states are fearfully delinquent.¹⁴

Dr. Thomas Parran, leading medical authority in the nation, has said that we need about 400,000 new beds for different types of hospitals; a better distribution of hospitals, especially in rural areas; and a modernization in organization and equipment. Nearly half of the rural counties, he observed, were without full time public health services in 1944. He found environmental sanitation in a frightfully retarded condition, with millions of families lacking adequate water and sewerage facilities, living under disease-breeding conditions, drinking unpasteurized milk. Although he did not endorse a federally operated system, he stated "that the federal government should help the states with funds and technical aid."¹⁵ Dr. John P. Peters, commenting on the Wagner-Murray-Dingell bill, and President Truman's address of November 19, 1945, approved the efforts to establish a national health program. But, he said, "I confess I am sometimes worried lest change proceed too slowly, not too fast, because I believe the present system, already showing signs of weakness before the war, is breaking down completely under the strain of the emergency."¹⁶

During the recent war, the states agreed to loan the employment service to the federal government during the emergency. It was turned back by a law passed November 15, 1946. Conferences between officials were held in 1946, resulting in the belief that in all states the major objective should be "the development and operation of an effective employment security program designed to serve employers, employees, and the general public in the most efficient manner."¹⁷ It is too early to say how this job has been done. No great difficulties have been encountered, and the state officials are increasing the tempo of

14. See references cited in Dimock, *op. cit.*, p. 840, especially P. H. Douglas.

15. Parran, in Bliven and Mezerik, *What the Informed Citizen Needs to Know*, p. 156; also see *State Government*, Feb., 1946.

16. *State Government*, March, 1946, p. 72. Cf., also, *ibid.*, Feb., 1946, entire issue.

17. "Return of the Employment Service to State Operation," *State Government*, Nov., 1946, p. 280. This entire issue deals with unemployment.

their activities as the federal government withdraws to the previously prepared position (Wagner-Peyser Act) of supervising and enforcing standards.

When we seek for the reasons for our backwardness, we find that most states assert that they cannot afford the luxuries of good educational and welfare systems. Simultaneously, they clamor for more aid and less regulation. Why cannot the states afford to sustain the cost of caring for the general welfare; protecting citizens against the hazards of unemployment, illness, death of wage-earner, lack of housing; and the special difficulties confronting the returned veteran? This question will be answered a bit later.

In 1946 the American Public Welfare Association reported that there was a significant shift from private to public sponsorship of child welfare.¹⁸ This is the most significant trend in the whole field of welfare today. It indicates a realization that the urgent task of providing security against infant dependency, illness, accidents, unemployment, old-age, and other hazards is best managed by the government and best supported by taxation. Although during the past year many security programs have been "returned" to the states, the main trend has been toward national supervision and national financing.

One post-war problem which is with us always, and especially now, is that of the veterans. In the past, the returning veteran soon overcame his psychological and economic handicaps through the agency of the expanding frontier. After World War I, the frontier had nearly disappeared, and there was more enthusiasm on the part of the veterans for cash bonuses and preference in the civil service.¹⁹ Notwithstanding periodic protests against cash relief, the public appeared to approve bonuses; but leading political scientists never did approve veterans' preference,²⁰ which they felt was injurious to the service.

When the time came to enact legislation for the veterans of

18. PACH *Bulletin*, March 11, 1946: On the recrudescence of child labor, see Mrs. F. Taylor, in *State Government*, March, 1946, pp. 76 ff.

19. Paul Webbink (Ed.), "Post-War Jobs for Veterans," *Annals of the American Academy*, March, 1945. The most recent summaries of veterans' bonus legislation are: Minn. Inst. of Govt. Research, "Proposed Soldiers' Bonus in Minnesota," Saint Paul, July, 1948; and The Tax Foundation, *Cash Bonuses for Veterans*, Project Note No. 21, June 2, 1948.

20. W. E. Mosher and J. D. Kingsley, *Public Personnel Administration* (New York, 1941). These authorities state that one-fourth of Civil Service employees appointed between 1919 and 1939 were veterans (p. 241).

World War II, for the first time we were faced with the problem of managing the return to normal civil life of nearly all our young people, roughly twelve million of them. By the so-called "G. I. Bill of Rights," the nation prepared to grant to returning veterans insurance against unemployment up to a total of fifty-two weeks; federally-guaranteed loans up to \$2,000 for particular purposes; provision for university and other specialized education (\$65 a month for single veterans, \$90 for married veterans, tuitions, fees, and textbooks); and, also, hospitalization and medical care. It is too early to say what the effects of this bill have been. At the time it was passed, soldiers and veterans disliked the loan provisions which seemed to be inadequate and which placed the veteran at the mercy of an administration which had not worked well in the past, and of private bankers, landlords, and merchants.²¹

Recognizing their obligation to implement the federal law and to "ensure that the *individual* problems which veterans face will be solved with regard to individual needs and aptitudes,"²² the states took steps as early as 1944 to accomplish these purposes. Laws were passed providing for educational assistance, home and farm loans, and medical care. Charles Bolté asserted in 1945, "The veteran needs a coherent program which relates national legislation, state legislation, and *community action* together in coöperative entity." This, thought Frank Bane, was being done then. After demobilization, the Veterans Administration, under the able direction of General Bradley, carried out its duties in a really satisfactory manner. But the states were impatient. By May, twenty-two states had provided for personnel merit systems, but all forty-eight of them gave veterans some kind of preference.²³ The states with the most generous educational, welfare, and housing assistance were Wisconsin, California, Alabama, Nebraska, and New York. Scattered cities sought to aid veterans by giving them free lots, or licenses to operate taxicabs.²⁴ Typical of the race for the political gratitude of the veterans was the action of an Indiana state senator who intro-

21. Cf. Charles Bolté, "Veterans: The Twelve Million Man Question" in Bliven and Mezerik, *What the Informed Citizen Needs to Know*, p. 211.

22. Frank Bane, in Webbink, *op. cit.*, p. 71. Later data in *State Government*, Dec., 1946.

23. PACH *Bulletin*, May 20, 1946; also Aug. 29, 30, 1946: Cf. *Good Government*, July, August, 1944, on federal veterans' preference.

24. *Ibid.*, April 15, September 2, 1946.

Table 5

BONUSES TO VETERANS UNDER CONSIDERATION IN 1947 AND EARLIER LEGISLATURES

States	Amount	(Millions of Dollars)			Other Action	Source of Funds	Passed
		Total Cost Projected	Est.				
Alabama	\$100 (d.s.) 200-300 (o.s.)						No
Connecticut	\$10 per mo. service up to \$300	50	66			No specific tax: out of general funds	1947
Georgia	\$7 per mo. (d.s.) \$10 per mo (o.s.)	50					Passed House Failed Senate
Illinois	\$10 per mo. (d.s.) \$15 per mo. (o.s.)	490	490		Next of kin of vets. dying in service \$900	Tax on Cigarettes and bonds	1946
Indiana	Prov. to be fixed later	30-120	100				Ref. Nov., 1948
Iowa	\$40-\$500	90	85			Bonds	Ref. Nov., 1948
Maryland		100			Under Consideration	Bonds	Not Yet
Massachusetts	\$100 (d.s.) to \$300 (o.s.)	156.7	156.7			Special Taxes	
Michigan	\$10 per mo. (d.s.) \$15 per mo. (o.s.)	270	360				Ref. 1946
Minnesota		108; 180-260	100				Ref. to Authorize
Missouri	\$10 per mo. (d.s.) \$15 per mo (o.s.) up to \$400	100	157			Bonds & Taxes	Ref. Nov., 1948

Nevada	\$10 per mo. (d.s.) \$15 per mo. (o.s.) up to \$500	5		Gambling License Fees	No
New Hampshire	\$10 per mo. up to \$100	6	6	Gen. Rev.	1943
New Jersey	\$10 per mo. (d.s.) 150 \$15 per mo. (o.s.) 250	100-200	98.2		1946 Bonus Com. Rpt. Only
New York	\$50-250	400	400	Bonds & Taxes	Ref. Nov., 1947
North Dakota		27	27	Bonds	Ref. June, 1948
Ohio	\$10 per mo. (d.s.) \$15 per mo. (o.s.) up to \$400	325-500	400	Bonds & Taxes	Ref. Nov., 1947
Oregon		30			(T.A.N. Feb., 1947)
Pennsylvania	\$10 per mo. (d.s.) \$15 per mo. (o.s.) up to 500	400	500		Ref. in 1949 ?
Rhode Island	\$200	17-20	20	Bonds & Taxes	Nov., 1946
South Dakota	\$500-\$650	20-30	30		Ref. Nov., 1948
Vermont	\$10 per mo. up to \$120	3-7	3-7	Current Taxes	1942
Washington	\$10-15 per mo.	100		Bonds & Sales Tax	Not Yet
Wisconsin	?		200		Ref. Nov., 1948

Source: *Tax Outlook*, Sept., 1947; *T.A.N.*, Sept., 1946, Feb., 1947.

duced a bill calling for an outlay of \$30,000,000 for bonuses to veterans within an hour after the 85th General Assembly had opened.²⁵ Although there is merit in the movement for community administration of veterans' legislation, in the opinion of experts *and* veterans, the general policy of assisting veterans to readjust themselves to civilian life is a matter of national concern.²⁶

LIQUOR CONTROL

We lack a clear conception of the states' role in the regulation of alcoholic beverages. At the time of the repeal of the Eighteenth Amendment, nearly every state had a local prohibition law in effect, and many people believed that a majority actually desired to retain prohibition but had been outmaneuvered by the active minority. Several states, therefore, adopted measures intending to diminish consumption of beverages or even forbid the consumption of spirits altogether. In this, the moral motive was dominant; but there were economic motives at work which produced various results. In seventeen states the constitutions contain provisions relating to manufacture and sale. Some states, like California, Texas, and Colorado, which have outlawed the "open saloon," have tried to make drinking more exclusive, and inferentially to protect the young and the poor. Those that limited licenses to light wines and beer were trying to compromise. The thirsty workingman was to have his beer, and the wine producers of California, Ohio, and New York were to be mollified by allowing the sale of a beverage which the average American never had learned to drink anyhow. The numerous group of states which established government stores sought to eliminate the profit motive and the aggressiveness of dealers, thus curtailing consumption and breaking the ties between liquor and politics.²⁷

25. *Bloomington Star-Courier*, January 10, 1946.

26. According to *Tax Outlook*, Sept., 1947, p. 9, by 1950 seventeen state governments will have paid out \$2,780,000,000 in veterans' bonuses. Six states, chiefly New England, had by 1947 agreed to pay out bonuses, with new heavy burdens on their debts—except Vermont, which paid out \$3,700,000 out of current funds.

27. L. B. Simms' "State Profit in Liquor Trade," in *National Municipal Review*, May, 1945, pp. 218-22 reported that sixteen states which used the monopoly system obtained \$96,000,000 revenue in one year—5 per cent of their total income. These are Alabama, Idaho, Iowa, Maine, Michigan, Montana, New Hampshire, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming. Pennsylvania made the most money

Local option, on the other hand, was a return to one of the old formulae of liquor control. Its major supporting motive was political. State control systems which provided for distribution by licensed dealers began as a device to curtail consumption and regulate sales, but quickly became also political. But in the bad sense. Local option is predicated upon the representative principle; controlled licensing on the principle of giving the dominant political party the power and profits which accompany discriminatory licensing and distribution.²⁸

All states which adopted control measures became involved in the problem of revenues. In Iowa a control system which does not obtain in neighboring Illinois works a hardship on the river towns; the dilemma has been solved by the typical compromise wherein the police ignore liquor sales by "private" clubs. Actual revenues are greater (though indirectly collected) than if the law were strictly enforced. In the comparatively dry states, such provisions as Sunday closing and prohibition of sales to minors presumably diminish both consumption and revenues to the state; whether or not they do is a question we cannot go into here. It is also difficult to say whether consumption would have increased during and after the war had the supply been adequate. What we can say is that more different persons are drinking and the states are getting more revenue from the liquor business. By this time sufficient experience has accumulated to enable us to set up a satisfactory national plan for the regulation of the production, distribution, and consumption of alcoholic beverages.²⁹

CRIME

Evidence and opinion has been presented above in support of the conclusion that our current methods of handling delinquency and crime are inadequate. The treatment of social and criminal behavior is one of the most serious problems society

with \$25,000,000 and Vermont the least with \$224,000. On a per capita basis, Oregon was first with \$5.25 per capita in 1943, and Vermont last with \$.70 per capita. For 1946 figures, see *The Montana Taxpayer*, Sept., 1947, p. 4.

28. See *Indianapolis Star*, Feb.-March, 1947, for debates in the Indiana Legislature on the subject.

29. Curiously, the only two states, Texas and South Carolina, which constitutionally provide for a state monopoly have never established one. See "State Regulation of Alcoholic Beverages," Kansas Legislative Council, *Publication No. 148*, Jan., 1947, for a summary of constitutional provisions and laws.

has to meet. "A crime is an act committed in violation of law and punishable by the state,"³⁰ to use the definition of a reputable political scientist; but the causes, extent, prevention, and cure of crime depend on many factors which vary from place to place, time to time, and among individuals and groups. A common definition of crime is "offenses against property and persons." But great differences exist with respect to the sub-classification of offenses, the legal punishments provided, and the actual enforcement of the law by public officials. In some communities the citizens look tolerantly on serious offenses such as murder and recoil with revulsion at minor infractions. Policemen develop habits and rhythms of zeal and indifference, an attitude that results in differential justice. Not long ago the sentencing tendencies of judges were studied and reported upon by private observers³¹ and quasi-official investigators. These studies seem to have been abandoned, but they were adequate to show the most unsuspected irregularities. Other studies indicate that differences in climate, season, and physiographic and economic environment may be similarly influential in determining the amount and kind of crime.³² There are also differences between individuals. Some types of persons and some races and nationalities, it is said, are more inclined to criminality, than others.³³ Although we have gained much insight into the general problems in recent years, all of these reflections on crime and punishment were perceived ages ago, though dimly, and they have been the basis for the stubborn belief that the enforcement of law and the administration of justice should be a local matter. A man is to be judged by his peers; and who are his peers? They are men who live in the same community, and share his likes and dislikes, his hardships and his temptations, his principles of conduct and his joys.³⁴

30. C. O. Johnson, *op. cit.*, p. 451.

31. J. R. Oliver, *Four Square* (New York, 1930).

32. N. F. Cantor, *Crime and Society: An Introduction to Criminology* (New York, 1939); H. E. Barnes and N. K. Teeters, *New Horizons in Criminology* (New York, 1943). Most murders are committed in the South, which has a warm climate and a caste system.

33. E. A. Hooton, *The American Criminal; An Anthropological Study*, Vol. I (Cambridge, 1939); Thorsten Sellin, *The Criminality of Youth* (St. Paul, 1940); W. A. White, *Crime and Criminals* (New York, 1933).

34. Cf. A. F. MacDonald, *op. cit.*, pp. 410 ff. Also, Dimock and Dimock, *op. cit.*, pp. 842 ff.; E. H. Sutherland and C. E. Gehlke, "Crime and Punishment"; *Recent Social Trends* (New York, 1933) and various writings of Sellin, Sutherland, and Reckless. Fairchild's *Dictionary of Sociology* (New York, 1944) is useful.

Certain tendencies in criminal behavior and in the legal definitions of crime powerfully affect the role of the states in the administration of justice. "The multiplication of legal prohibitions," writes Sellin, "has made it difficult" for any one of the members of the community "to lead a completely law-abiding life." But, since the ultimate law-enforcing officers have such a plethora of laws, ordinances, and regulations to enforce, they enjoy enormous discretion. Each little community, every policeman, has his "must" laws and his favorite ordinances.

In the relations between individuals and groups, "crimes against property" constitute 90 per cent of major offenses. From this fact we may draw two conclusions: (1) people do not go about assaulting, maiming, and murdering each other as much as they once did; (2) the definiteness and sanctity of property, the distinction between "mine" and "thine," are less clear and less compelling than once they were. With respect to imprisonment, twice as high a percentage of the "personal" crimes are punished. This figure, as well as the figures for distribution according to object of crime (person or property) tends to remain constant. It is the same with executions: about 120 criminals are executed annually, and of these, 70 are Negroes.

A tendency to apply criminal provisions to specified groups may be inferred from the last-named fact. One-sixth of the criminal law applies only to public officials. Other portions to farmers only, or to businessmen only. About one-third applies to the general public.³⁵ The largest single purpose in federal criminal law is to discourage dishonesty. State legislation is concerned largely with morals, i. e., sex offenses, intoxication, and gambling. Municipal ordinances are composed mostly of occupational and traffic regulations.

In all of these criminal laws, misdemeanors have increased more rapidly than felonies. In other words, our concepts of major crime tend, as a whole, to remain uniform, but we tend more and more to stipulate that minor types of social behavior are illegal and criminal. On a per capita basis, we are actually behaving in a more orderly fashion. But, if we are to attach any significance to the increase in violations since the end of the war, we must recognize that we have an immediate problem

³⁵. Dimock, *op. cit.*, p. 843. Other conclusions based on data supplied by E. H. Sutherland.

of prevention and enforcement which will probably become more serious.

As suggested above, our enforcement systems are too highly decentralized and unintegrated, prison conditions are still highly objectionable, and we still do not pay prison guards enough to hold good men. We are just beginning to recognize alcoholism as a disease requiring therapy. We are slow in adjusting ourselves to facts in regard to sex problems. Although venereal disease declined in military areas after the army authorities extended their controls, it declined because the latter, to some extent, condoned prostitution.³⁶ Naturally, local welfare workers, police, and judges should be allowed traditional discretion in preventing and handling crime. The latitude accorded them should not be permitted to lapse into the gross carelessness in setting free persons dangerous to their own communities, or to other communities which are more effective in their treatment and detention of potential criminals and misdemeanants.

SUMMARY

States still manage, almost exclusively, the problems of education, welfare, and crime, although even here, as in other fields, the intervention of the federal government becomes stronger. Financially, the central government has taken over the heaviest load in the welfare field. The greatest discrepancies occur in the treatment of veterans, with some states acting generously and others taking few, if any, steps to compensate the veteran for his lost time. Although the federal government has spent millions on education, its grants have not been effective in checking the demoralization caused by inadequate budgets for elementary education in most of the states. In the field of crime prevention and control, the federal government has relieved the states of responsibility for certain kinds of crime, and its famous F.B.I. has set high standards for local police to follow. The states, on the other hand, have been much more prudent and careful in the suppression of otherwise law-abiding persons who cherish atypical political opinions.

³⁶. For further study, see *State Government*, April, 1946; PACH, *Releases*, May 14, 1946; Hattie Farmer, *et al.*, *War Comes to Alabama* (Alabama), 1943.

Chapter IX

STATE FINANCES

In order to answer some of the questions posed in this book, it is essential that we give a little attention to the problem of state finance. First, let us look at revenues, expenditures, and debt, and then let us see how financial affairs are administered.

REVENUES

We all know that wealth and income have increased in the United States, but what we don't realize is that most of the wealth is produced in the South and West and drained off to the East—the Northeast, to be exact. Or, that within each state there is such fluidity of values under control of the same few people that it is almost impossible to obtain consistent, adequate, and predictable revenues by taxation. Since the East benefits largely by the exploitation of resources and the expenditures of energies from the rest of the country, it should have plenty of tax resources to levy upon—and this is the case. But within the West, there are differences which depend on factors other than comparative wealth. A table which the Oregon State Tax Study Commission prepared is of sufficient interest to merit reproduction here (see table 6, p. 88).

This study showed that New Mexico had the lowest taxes of the eleven states, the lowest fiscal capacity, and, in comparison with the others, ranked third in "effort." Arizona ranked first in effort, i. e., ratio of fiscal capacity to per capita tax burden, and Idaho was lowest. In another study, comparing the industrial states of the United States, it was shown that California collected the most taxes per capita in 1944 (\$40.12) and New Jersey the least (\$17.36). But New Jersey's property tax was highest, \$3.81 per capita, whereas New York's was only ten cents

per capita and two states—Ohio and Rhode Island—had no property tax. The largest single tax burden was California's \$17.15 per capita on general sales. In terms of percentage of total taxes yielded by source, Connecticut obtained 64.93 per cent from "business."¹ In 1945, twelve states had an increase in tax revenue over 1944 of more than twice the national average. Although these states are scattered over the country, the two highest, New Jersey (20.7 per cent) and New York (13.5 per cent) are eastern

Table 6
INDICES OF TAX BURDENS, FISCAL CAPACITY, AND
TAX EFFORT—11 WESTERN STATES: 1942

<i>State</i>	<i>Tax Burden</i> ¹	<i>Fiscal Capacity</i> ²	<i>Tax Effort</i> ³
Total 11 states	100	100	100
Arizona	77	56	138
California	117	103	114
Colorado	78	76	103
Idaho	63	74	85
Montana	82	78	105
Nevada	116	126	92
New Mexico	54	49	110
Oregon	83	94	88
Utah	78	77	101
Washington	91	100	91
Wyoming	71	75	95

¹ Per capita state and local taxes.

² Per capita income payments.

³ Ratio of tax burden to fiscal capacity.

Source: Oregon State Tax Study Commission, reported in *The Western City*, January, 1947; p. 19.

states. The states whose sales taxes were their largest source of tax revenue were: West Virginia (53.5 per cent), Michigan, Washington, Indiana, and New Mexico (33 per cent). The top five which got most of their revenues from individual income taxes were all northern states (Oregon east to Massachusetts). Special mention should be made of the top corporation income tax states: New York, Wisconsin, Pennsylvania, South Carolina, and North Carolina.²

1. Connecticut Public Expenditure Council, Inc., *News and Views*, January 2, 1947.

2. Data from U. S. Bureau of the Census, *State Finances 1945*, Vol. 2, no. 2, July, 1947.

A glance at the figures for balances in state general funds for 1946 shows that the states as a whole have been building up ample reserves.³ In the 1946 fiscal year, the states' general, highway, and post-war reserve funds rose by \$622,000,000, an increase of 27 per cent. Total balances in these funds are now about *three billion dollars!* The only exceptions to the trend are the New England states (but not New Hampshire and Rhode Island), New Jersey, Pennsylvania, Georgia—all eastern states—and Kansas and Utah in the West.

The multitude of repetitious studies and confusing reports of those interested in taxation cannot conceal two facts:

1. Two regions, the South, because it is emotionally if not economically exhausted, and the West, because it is inordinately and naively hopeful, try harder than the East to obtain "outside" assistance.
2. The West and the "corporation tax" states, on the basis of effort, actually tap their available resources more efficiently than the rest of the country.

In 1940, the states were collecting \$3,305,000,000 in taxes (\$4,148,000,000 counting unemployment compensation). This is a very large sum of money. Where did it come from? An examination of the figures shows us that 39.6 per cent came from sales taxes, 10.4 per cent from specific business taxes, 8.6 per cent from net income taxes and only 6.3 per cent from property taxes. A further breakdown reveals the ingenuity and resourcefulness of legislators and taxation experts. States once counted on the general property tax to provide 90 per cent of their revenues; in 1946 it supplied only 80 per cent of all state and local revenues. Today there are dozens of other taxes, and financial experts are always thinking up new ones. The Tax Institute's *Tax Policy* of October, 1946, listed twenty-one other kinds, which may be roughly classed as (1) consumers' luxury taxes on gasoline, racing, amusements, tobacco, and alcoholic beverages; (2) business taxes on banks, chain stores, and stock transfers; and (3) taxes on incomes, estate transfers, sales, etc.

The pressure of the war is seen in the inevitable general increase in taxes, but its burden was eased by exemptions and "privileges" granted the American Red Cross and service men.

3. U. S. Bureau of the Census, *State Finances: 1946*, Vol. 2, no. 2, April, 1947.

As a rule taxpayer associations continue to fight increases in taxation and expenditures, but a notable few, such as the Los Angeles Bureau and the New York Citizens Budget Commission, have taken a more realistic view. One conclusion is inescapable: tax systems vary too much from state to state and generally fail to achieve a progressive purpose.⁴

While nearly all of the states exempt certain property from taxation, this is not in itself bad. Most of the federal land exempt has always belonged to the American people. Exemptions granted veterans are bad only because some states like New York and Maine are generous, while others, chiefly southern, grant no exemptions. It is, however, these same southern states which are most liberal with exemptions to industries and farms. With respect to institutional exemptions, the data is insufficient but the experts hold that too many states fail to apply the exemplary "combined use and ownership" tests in determining what property will be exempt. Many states are caught by the "impairment of contracts" clause in the Constitution, which prevents them from recovering rights once signed away.⁵ Although homestead exemption granted in the South and Middle West is quite substantial and has awakened apprehension among tax experts, it is, in effect, a social measure designed to promote home ownership. But the authorities generally maintain that all exemptions are inadvisable and should be replaced by direct subsidies.

Non-tax revenues of all levels of government in the United States amounted, in 1940, to \$2,000,000,000, of which the share of the states and local governments, exclusive of federal grants, was \$750,000,000. But practically none of these locally-devised, non-tax revenues came from power-plants, public carriers, and similar businesses. Revenues from productive enterprise and banking operations have not been widely achieved by the states. Under the aegis of the doctrine of *free* enterprise, modified by a system of controls to prevent price—and rate—gouging and to curtail wasteful exploitation of resources, in nearly every state

4. W. B. Graves and K. W. A. Scholz in "Meeting the Needs for State and Local Revenues in the Post-War Era" (*American Political Science Review*, October, 1944, pp. 904-912) summarize recent trends and discuss as possible solutions: (1) continuation of the grant-in-aid system; (2) supplementing the above with a system of federally-collected, state-shared taxes; and (3) modernizing the state system.

5. K. P. Sanow, "Property Tax Exemption," in *State Government*, April, 1946, p. 113.

a movement has been established to obstruct the government in the field of public enterprise. Yet when the federal government, after World War I, and especially after 1929, found it necessary to embark on huge public works and public utility projects, the citizens of the United States, who were nothing more than the totality of the citizens of the several states, supported it. In other words, the people approve the extension of government operation and the preservation of government control over resources it already owns (watersheds, public lands, oil reserves, etc.), but as citizens of states they distrust their capacity to organize and manage public enterprises and defend them from attack.⁶

From the federal government, the states got over \$800,000,000 in 1944. The amount from this source has increased steadily each year. State tax collections have increased at the same rate, but since taxes and other revenues are nearly ten times aid from the federal government, these revenues have naturally mounted more sharply if plotted on the same scale. The "other revenues" tend to remain constant, being \$422,000,000 in 1937 and \$428,000,000 in 1944. It is generally held that while farm incomes are bolstered by federal aid, their main effect is on general sales tax collections, since farmers contribute only a small proportion of state income taxes.⁷ The most important change in recent years relates to tax burdens on industry. In 1946, taxes went down, profits went up.⁸

We have seen, in Chapter Two, how ability to pay taxes and provide revenues differs among population groups and regions. The north central states, Colorado, Wyoming, New Mexico, New Hampshire, Tennessee, and West Virginia gained the most in per capita income from 1944 to 1945, but of the seventeen lowest states in 1945, all were southern except New Hampshire. A California study showed that while the percentage of income tax payers whose assessed incomes were under \$5,000 dropped from about 84 per cent to 40 per cent, 1942-1945, over one quarter of the tax was still being collected from those having

6. *Nebraska is an illustrious exception.* See *Louisville Courier-Journal*, March 23, 1947.

7. Tax Foundation, *Significant Trends in State Revenues* (New York, March, 1946), p. 2.

8. *Tax Federation News*, *op. cit.*, p. 6, citing *Business Week*. Also *ibid.*, March, 1947, citing J. Backman and M. R. Gainsbrugh, *Profits in the National Economy* (New York, 1947).

incomes of \$50,000 and over.⁹ This is an old trick which doesn't mean what it appears to mean. The rich naturally have the most money. The Federal Reserve Board figures show that in 1946 one tenth of the people received 32 per cent of the income, on individual incomes of \$4,850 and up. The lowest tenth received only one per cent of the income.¹⁰ As taxes have increased and prices risen, the weekly "take-home" or effective pay of a *worker's family of four fell from a nominal \$48.86 to an actual \$30.16.*¹¹ Even though professional people appeared to have had the best of income advantages in 1947, the majority of professional teachers, doctors, and artists, along with the great middle class, felt most severely the pinch of high prices. Regardless of what statistics show, every white-collar worker knows that he is the one who bears the load, an almost unbearable load, under our existing tax structure.

In a study of trends, 1938-1947, the Federation of Tax Administrators found that income tax yields doubled during the period, even though two states, West Virginia and South Dakota, dropped the tax. There are now thirty-three states which collect taxes on net incomes. Twenty-three states collect sales taxes, the 1946 returns being twice what they were in 1938. About a third of the items taxed by all the governments are "luxuries" or things considered harmful. There is a trend toward tobacco taxes, with returns quadrupling.¹² Americans smoke sixteen billion packs of cigarettes annually. They pay seven cents a package in taxes to the federal government and a variable amount in taxes to thirty-eight states and several cities. Of the twenty states which taxed cigarettes only in 1946, Vermont had the highest per capita consumption—194—but Arkansas demanded the highest tax.¹³

From 1941 to 1946, the total receipts of the states rose from \$5,618,000,000 to \$7,325,000,000, or per capita receipts of \$55.90. Of this sum a variable amount was raised by new borrowing, \$160,000,000 in 1941 and \$76,000,000 in 1946, with borrowing during the war dropping to a low of \$14,000,000 in 1945. While the states were receiving from \$705,000,000

9. *Tax Administrators News*, May, 1947, p. 55.

10. *Economic Outlook*, October, 1947.

11. *Ibid.*, July, 1947.

12. *Tax Administrators News*, January, 1947, and March, 1947.

13. See the interesting article in *Tax Outlook*, November, 1947, pp. 12 ff. Recent references to the entire subject of taxation may be found in *Tax Institute Bookshelf*, June-Sept., 1947.

(1940) to \$829,000,000 (1944) from "other" governments, they were paying out from \$1,627,000,000 (1940) to \$2,057,000,000 (1947) to local governments.¹⁴

There has been a steady growth in state tax collections in recent years, as has been shown on preceding pages. The amount collected for unemployment compensation hovers around one billion dollars, but this amount seems to be declining each year at a rate of 6 per cent. Over half of all state taxes are composed of sales and gross receipts taxes, followed by license and privileges taxes. In 1947 the greatest gains were made in collections on hunting and fishing licenses—31.3 per cent over 1946—and on general sales, gasoline, and tobacco taxes.

The developments previously noted continued strong in 1946 and 1947. The property tax keeps falling: Arkansas discontinued it on December 1, 1947 (see table and chart), and Texas will probably drop it after 1951. Twenty-nine states now have sales and use taxes, and there is much experimenting with new business taxes, on bank deposits (Maine), insurance premiums (Utah), gross income of utilities (New York and Rhode Island), and on other objects.¹⁵ Total taxes collected by the states rose to nearly seven billion dollars in 1947, or six billions excluding unemployment compensation taxes. The latter declined as did corporate income taxes. Slight losses were reported for 1946 over 1945 in taxes on insurance companies and public utilities, individual incomes, and minor objects of taxation.¹⁶ Apparently, the states increasingly rely on general sales, gasoline and auto, liquor, and tobacco taxes.¹⁷ Contrary to the trend, Connecticut stiffened its corporation income tax, but it enacted a general sales tax. Out of nineteen states which changed provisions affecting the tax on alcohol, sixteen increased their rates. The same number sought added revenues from gasoline taxes, so that rates now run from two to seven cents a gallon. Thirty-eight states now tax cigarettes at rates from one to six cents a pack. Only minor changes were made in other fields of taxation.¹⁸ A few states toyed with the idea of putting a heavier burden on coöperatives, but nothing came of it.

In the 1946 fiscal year, the general revenue of all govern-

14. U. S. Bureau of the Census, *State Finances*, 1946, Vol. 3, May, 1947, p. 3.

15. *Tax Talk*, October 18, 1947.

16. U. S. Bureau of the Census, *State Finances*, 1946, Vol. 2, Nov. 1, 1947.

17. *Tax Administrators News*, 1947 issues.

18. Connecticut Public Expenditure Council, Inc., *News and Views*, No. 26, October 9, 1947.

ments in the United States was \$56,873,000,000. Of this amount, 92 per cent was derived from taxes. The federal government's share was 77.8 per cent, that of the forty-eight states 11.4 per cent, and of the 155,000 local governments 10.8 per cent. The two great categories were income-based taxes, 57 per cent, and taxes on sales and gross receipts, 17 per cent. But although the percentage yield (9.34) on property taxes rose, this was only because of the decline in total revenues.¹⁹

With respect to revenues, states will probably demand more, but better administered, federal aid. They will also probably demand the return of certain tax sources or proceeds to the states. Slowly, all too slowly, states will establish some new productive enterprises. There is little ground for hope that any orderly or systematic system of state revenues will develop in the near future.

EXPENDITURES

On the expenditure side, the costs of state government are rising at about the same rate as federal costs. In 1937 the states expended \$2,850,000,000 and the local governments \$5,950,000,000, while the national government spent \$8,281,380,000. In 1938 the figures were slightly higher. All levels of government then cost \$17,000,000,000, or \$130 per capita. Of this amount, 20 per cent was state expenditure and 36 per cent local. In 1942, after we had entered the war, the states and local governments expended a little over \$13,000,000,000 out of a total public outlay of \$47,382,000,000, or only 21 per cent of the total. Total expenditures for the states themselves amounted to \$4,158,000,000, of which 26.8 per cent went to schools, 23.2 per cent to highways, and 22 per cent to welfare. Of the \$6,789,000,000 which the forty-eight states obtained in revenues in 1945, \$6,029,000,000 was expended: \$2,257,000,000 for general government, \$1,854,000,000 as aid paid other governments, \$266,000,000 as capital outlay, \$302,000,000 for debt service, and \$1,350,000,000 as contributions to trust funds and enterprises. Schools still ranked first, but welfare expenditures exceeded sums spent on highways.²⁰

The Minnesota Institute of Governmental Research, in a

19. *Tax Policy*, May, 1947.

20. *Tax Policy*, January, 1947.

study of the finances of midwestern states,²¹ showed that Minnesota had the lowest per capita income (\$1,061) of the seven "rich" states of the Midwest and was below the national average of \$1,150, even though it improved its position by 163.2 per cent from 1935 to 1945! (Iowa went up 210.6 per cent.) Minne-

Table 7
TOTAL GOVERNMENT EXPENDITURES BY STATES
1944

<i>Per Capita</i>			
Washington	\$84.07	Indiana	45.05
Nevada	71.73	Florida	43.73
Utah	68.80	Minnesota	43.54
California	67.51	Pennsylvania	43.45
Arizona	59.97	Maryland	42.69
Oregon	59.13	Kansas	40.68
Wisconsin	58.66	West Virginia	40.22
New York	54.49	North Dakota	40.18
Colorado	53.72	Iowa	39.38
Michigan	53.46	Illinois	38.66
New Mexico	52.11	Vermont	38.10
Delaware	52.07	Texas	36.32
Rhode Island	51.98	North Carolina	35.03
Louisiana	51.89	South Dakota	34.22
Maine	49.89	Missouri	32.60
Connecticut	49.83	Virginia	32.22
Montana	49.72	South Carolina	31.91
Idaho	49.57	Nebraska	31.73
Massachusetts	48.87	Tennessee	30.06
New Jersey	48.83	Arkansas	29.57
Oklahoma	48.16	Kentucky	29.21
Ohio	46.76	Georgia	28.65
Wyoming	46.08	Alabama	28.45
New Hampshire	45.41	Mississippi	25.94

"Tax Policy," Tax Institute, Inc., Vol. XIII, No. 6, June, 1946.

sota's per capita expenditures for state *and local* government were highest — \$81.46 — of the seven states, while Indiana's were lowest — \$64.71 — and the average for the United States was \$72.61 for 1942. Minnesota ranked first in expenditures for highways, public welfare, education, other and undistributed items, and debt service. In the twenty-four states which sub-

21. *Comparison of Costs of Government in Minnesota and Six Neighboring States*, Saint Paul, Minnesota, March, 1947.

mitted state budgets in 1947, it is expected that expenditures will rise for everything except interest payments and payment for debt service. Welfare costs, wage and salary payments in all departments, aid to local governments, and costs of education have risen the most notably in 1947.²² Naturally such large states as New York, California, etc., spent the most. Indiana is in the second group, where eight states expended 20.3 per cent of the total in 1942; and New Mexico is in the eleven-state smallest group. To be sure, "comparisons (of the states) can be accurate and meaningful only after painstaking correction of extraneous factors."²³ Still, many states spend less per capita than their resources can sustain.

There is no regional grouping in the classification according to character of expenditures. Connecticut was in the group which spent most for operation; New York was in the group which spent least. Wisconsin paid out the most for aid to local government.²⁴ When one looks at tables for per capita expenditures, one begins to see why some states with low ratings on services complain that they cannot spend any more money. Without measuring all the elements involved, we can derive some meaning from the fact that, except for Nebraska, all the states in the lower one-sixth by per capita expenditures are southern and the highest six states are all in the far West.

We have seen how one of the large items in state expenditure is what is paid out to local governments. It amounted to one-third of total general expenditures in 1946. From 1940 to 1946, total general expenditures went up one billion dollars. The most significant decreases were the provision for debt retirement and interest payments.

In 1944 the total federal expenditures were nearly \$94,000,000,000, to about \$6,000,000,000 for the states and \$4,000,000,000 for local governments. Although the federal share was chiefly expended for fighting the war, about three-quarters of a billion dollars went for housing, roads, welfare, and other purposes with peacetime and local significance.²⁵ Congress and

22. U. S. Bureau of the Census, *State Budgets*, 1947, August, 1947.

23. *Tax Policy*, June, 1946, p. 7. The *Revised Summary of State and Local Government Finances in 1942* (Bureau of the Census, June, 1948) showed that Nevada, New York, California, New Jersey, and Massachusetts, i. e., the rich states, ranked highest and that the ten lowest were all southern states.

24. See *Book of the States, 1945-46*, pp. 202-10.

25. *Tax Policy*, June, 1946.

most of the states struggled throughout the year with their budget and tax systems. But whether federal taxes are increased, kept at the same level, or reduced, governmental expenditures on all levels will surely rise. This means that it is now urgent that we re-examine the facts with reference to our governmental structure and political processes. Are they adequate to the task ahead?

STATE DEBTS

In 1943 and 1944 state debt declined. New York and California had the largest debts; Nevada had no debt at all, while Iowa and Utah had practically no debt on a per capita basis, and, among four states, Indiana and Florida had only a "dependent agencies non-guaranteed debt." The gross debt of the states as a whole went down gradually from \$3,643,000,000 in 1940 to \$2,370,000,000 in 1946.

However tempting, it is perilous to try to rate the states according to their debts, on the assumption that heavy debts mean bad policy and poor management. States cannot be measured by the same yardstick one uses for private persons, or by the criteria for federal fiscal management. In the early days of the Republic, men like Hamilton argued in behalf of a large national debt; and today both conservatives and liberals favor a substantial national public debt. They contend that it is the easiest way to pay for capital expenditures, that it forces the people to take a keen and continuing interest in the management of public affairs, and that it provides the safest — sometimes the only — place for investing private and institutional savings. Debts must be judged also with reference to the amount and nature of expenditures and the national income. On a per capita basis, our national income is greatest among the chief powers of the world. We can, therefore, easily sustain a high national debt, say of around \$300,000,000,000.²⁶

Since states are prohibited by the Constitution from emitting bills of credit, and since each state is but a minor part of the sovereign, independent United States, the position of the state is quite different from that of the nation. The state debt must be judged on a narrower basis than is appropriate for the na-

²⁶. Cf. Stuart Chase, *Where's the Money Coming From?* (New York, 1943); J. P. Jensen, *Government Finance* (New York, 1937); B. U. Ratchford, *American State Debts* (Durham, 1941). It is well to note that some authorities fear the effect of huge debts on the commercial banks — and general prosperity.

tional debt. Many states defaulted on debts incurred just after the War of 1812 and during the Reconstruction period and the period after the crash of 1929. As a consequence, states imposed on themselves debt limitations and restrictions. Before the last depression, the states "least able to meet excessive interest charges appear to have been the most insistent on borrowing."²⁷ The South Atlantic states were the most heavily in debt then, while the east North Central group was most free of debt. In this period and again during the war, relief was afforded the worst states by relaxing restrictions and by federal aid. Experts are worried by this rather facile way out. "We cannot bolster the states," wrote Dimock,²⁸ "or sit on the debt limits of local government simply by passing prohibitions or enunciating pious hopes. In the life of the government, as of the individual, there is nothing that will take the place of competence." Most of the states became relatively better off during World War II and should now be asking less aid from the government in Washington. They should also be able to borrow more heavily, especially in states whose ratio of net debt to estimated wealth is low.²⁹ At any rate, the experts believe that no state should imperil its credit position by so limiting taxation that debt service is not provided for; and they add that states should not place themselves under the influence of bankers and bond-brokers,³⁰ but should "pay as they go" out of taxes.

On June 30, 1946, the combined debt of all governmental units in the United States was \$285,300,000,000, an increase of 3.5 per cent over the previous year and four and one-half times what it was in 1940. In 1912, the federal debt was only 21 per cent of the total, whereas in 1946 it was 94 per cent. Trends are shown by giving 1940 an index number of 100. On this basis the federal debt was 2.7 in 1902 and 627 in 1946; state debt rose from 7.7 to 66.9 and local debt from 11.5 to 81.1. This calculation seems to support the view that the total debt has

27. *Index* (May, 1934, pp. 94, 96) as cited in Graves, *op. cit.*, p. 529.

28. *Op. cit.*, p. 189.

29. Cf. Table prepared by Graves, *op. cit.*, p. 530, on basis of National Industrial Conference Board computations. The data here is for 1930. See also Minnesota Institute of Government Research, *op. cit.*, pp. 48 ff., which shows the per capita state and local net debt of the U. S. to be \$122.76 and the per capita state debt to be: U. S. — \$19.90; Minnesota \$37.11; Iowa \$0.99.

30. *Ibid.* p. 533. Cf. the debate over New York City's proposed airport authority early in 1946. Both former mayor, La Guardia, and the present mayor, O'Dwyer, rejected the authority plan.

grown unbearably. But, if we compare the rise in national income with the rise in the debt, it is not so alarming. The situation then is like this:

Table 8

Year	Per Capita Debt				National Income Per Capita	Per Cent of Debt To National Income			
	Total	Federal	State	Local		Total	Federal	State	Local
1946	\$2,026	\$1,913	\$17	\$ 96	\$1,172	172.9	163.3	1.4	8.2
1943	1,138	1,001	21	116	1,095	103.9	91.4	1.9	10.6
1942	684	588	24	122	907	75.4	59.3	2.6	13.5
1922	302	209	11	82	541	85.8	36.6	2.0	15.2
1912	60	13	4	43	365	16.4	3.6	1.1	11.7
1902	43	15	4	24	261	16.4	5.7	1.5	9.2

SOURCE: U. S. Bureau of the Census, *Governmental Debt in the United States*, June, 1947.

From this table we can easily draw the conclusion that the public debt as a whole is not so great as to constitute a danger, but it is too great for comfort and a feeling of security. Alexander Hamilton would even say that more revenues should be raised by taxation and productive enterprise. The state debt is too small and could be increased. Local debt is too small. Governor Dewey, of New York, and Prof. John F. Sly, of Princeton University, have both urged the building up of credit reserves for states and local governments to meet emergency expenditures in time of depression.³¹

FINANCIAL ADMINISTRATION

We have already seen how state governments have improved financial administration, chiefly by the use of the budget. Every state has some kind of budget system, but there are degrees of excellence in them, and in some states even with annual budgets the responsibility of the governor is unclear,³² and the account-

31. *State Government*, February, 1947, p. 59; and J. F. Sly, "Long-time Protection for the Local Taxpayer," *The Tax Review*, September, 1947. There was a significant change in State financial figures for 1947. Expenditures rose sharply by \$1.7 billion, revenue was up 17.8 per cent and gross debt, 24.9 per cent. See Bureau of the Census, *Summary of State Government Finances in 1947*, G-SF 47—No. 1, May, 1948.

32. These states still do not trust their governors completely: Connecticut, Delaware, Florida, Indiana, Mississippi, Montana, North Dakota, South Dakota,

ing and auditing methods are far from modern.³³ Iowa and Texas blazed a new trail in centralizing purchasing in 1897 and 1899. Slowly the idea caught on, and by 1945 only Delaware, Florida, Mississippi, Nevada, New Mexico, and South Carolina had failed to adopt a reform all administrative experts had agreed was indispensable. On the basis of the criteria suggested above, states have lagged behind the federal government but are making progress. In the field of tax administration, that is, assessing and collecting taxes, bitter and tenacious controversy prevails. This is probably due to the fact that the assessors and collectors who are chosen by state and local officials try to exercise their discretion in a more "humane" manner than do the officers of the federal government. Local assessors often alleviate the inequities of legislation — which has the effect of diminishing popular pressure for bringing the laws up-to-date.

SUMMARY

Enough has been said to justify these conclusions:

(1) Expenditures, debts, and revenues of the federal government and the local governments are increasing more rapidly than those of the states.

(2) Although wealth, income, resources, and conditions are relatively inflexible factors, the states' financial programs differ widely with respect to purposes and policies, enterprise, and administration.

(3) The impairment of the South's economic and social structure is clearly revealed in the financial statistics.

(4) There have been no significant experiments with revenue-producing enterprises on the part of the states; although they have experimented widely in finding new sources and categories of taxes.

To this summary we might add that the states have experimented with one new tax idea — the homestead exemption. And, in recent years, grants-in-aid and shared taxes have con-

Texas. See Minnesota Institute of Government Research, *State Governmental Research Bulletin*, No. 20, April, 1947; *Arizona Taxpayers' Magazine*, January-February, 1947; *Your Government*, Lawrence, Kansas, February 15, 1947.

33. *The Wisconsin Taxpayer*, January, 1947, for 1947 proposals in this progressive state. Cf. also works by Buck, Buehler, Porter, and Sundelson. Vera Briscoe, "Guarding the States' Money," *National Municipal Review*, May, 1946, pp. 233-239, shows how the position of the state auditor has been improved in several states, particularly Kentucky.

tributed to the partial solution of emergency problems — but not without heated debate.³⁴ Moreover, the notion that the costs of a particular service should be met out of a particular levy (e.g. education out of poll taxes) dies hard. The politicians in some state capitols dislike turning surpluses over to the cities. Illinois, with a treasury surplus of \$200,000,000, even reduced aid payments to dependent children.³⁵

The central problems of government finance are political and administrative. On the administrative side, there is not yet any effective control over the expenditure of public moneys by state institutions and local governments; there is not adequate adherence to the principle of centralized purchasing; and there is no effective organization of research and reporting. On the whole, however, the general administration of state taxes, debts, and expenditures is quite good; the most grievous faults have been political and have consisted in: taxing the wrong things and the wrong people; persisting in wanting more services than can be paid for out of appropriations; and maintaining hazy views of the relation between borrowing and “pay-as-you-go.”

It is difficult to appraise the trend in state budgets for the current years. The Census Bureau found ³⁶ that in the twenty-four states reviewed they run for different periods or are composed differently. However, the Bureau ventured some conclusions; namely, that most states expect to reduce balances, nearly all expect record revenues to continue, and “almost without exception” state expenditures are expected to rise significantly from the current to the ensuing budget period.

34. G. W. Mitchell, “Grants-in-aid and Shared Taxes,” *Taxes — The Tax Magazine*, July, 1940. For individual states and local governments, see previous publications of University of New Mexico Division of Research, especially Nos. 54 and 58; see also *Arizona Taxpayers' Magazine*, September, October, 1946; Pennsylvania State Chamber of Commerce, *Research Bureau Report*, January, 1947.

35. *Chicago Sun*, March 30, 1947 (Milburn P. Akers' column).

36. U. S. Bureau of the Census, *State Budgets Submitted in 1947*, G-SF47-No. 3, August, 1947.

Chapter X

PLANNING AND HOUSING

Planning is the application of pre-vision to the problems of community life. As an "ideology" planning has had a chequered career. A Scotsman, Patrick Geddes, is regarded as the father of planning, but actually the French, the Swedes, the South Americans, and even the Germans have made and realized more plans than the British. In the United States, area planning, especially that phase of it known as "zoning," was well established before 1900. From small beginnings in the cities, the movement spread to reach its apogee in the National Resources Planning Board, which took all aspects of community, regional, and national life as its province. The idea of economic planning was first suggested to us by the experience of the Soviet Union, and introduced into the theory and practice of American Government, not by radicals, but by such conservatives as Herbert Hoover.

In the 1930's, new interpretations of planning were brought to us by the British economists Finer, Laski, and Keynes, and the Swedes, Ohlin and Myrdal. Although, in Europe, economic planning evoked systematic protest, articulated by such men as Cassel and Hayek, in America the political face of planning, the New Deal, aroused a confused and irrational response which never named the hated thing "planning," but vented itself in wholesale denunciations of everything Franklin D. Roosevelt stood for. What the conservatives most vehemently opposed was "socialization" — the assumption by the central government of obligations toward its less fortunate citizens and the raising of revenues sufficient to meet the cost of services. Other features of economic planning, such as annual budgets (sponsored by Dawes) unbalanced budgets or "deficit financing" (a familiar business practice which had been gleefully adapted by Roose-

vult to the nation's needs) and the monetary policies of the 1930's, were endorsed by such a variety of leaders of all classes that the public became hysterical and struck out blindly at all admittedly meritorious but politically defenseless plans. As a consequence, Congress retained the socializing measures and institutions and killed the chief fact finding and reporting agency — the NRPB.¹ Another, the Bureau of Agricultural Economics, has been emasculated.²

In the cities, zoning and limited area planning continues to grow, but sporadically and unevenly.³ Interstate planning conceived in compacts and nurtured by the federal government (T. V. A., Grand Coulee, etc.) not only thrives but suggests further extensions such as the Missouri River Authority and the completion of the Colorado River, Rio Grande, and other western projects.

Within the states, land-use planning which got off to a good start in Wisconsin, Minnesota, Florida, and a few other states by now has become of academic or federal concern. The state planning boards, which flourished in the late 1930's, were nearly all abandoned or drastically modified at the time of the collapse of NRPB.

At the end of the war, in 1945, tremendous changes had taken place in the distribution of resources, people, industries, powers, and obligations in the United States. Under the New Deal, colossal sums had been spent in the Tennessee Valley, the Colorado River Valley, and the Pacific Northwest on water-supply, flood-control, and power. These served as a basis for decentralization of defense industry, in accordance with which power plants, atomic bomb laboratories, ammunition depots, aircraft plants, ordnance factories, and scores of other industries had blossomed on the plains and hills of Indiana, Iowa, Kansas, Tennessee, New Mexico, Utah, and other inland states.

This war-time trend, primarily designed as a political (pork-barrel) and defense (moving away from the vulnerable coast)

1. Cf. John D. Millett, *The Process and Organization of Government Planning* (New York, 1947), passim.

2. Cf. Charles M. Hardin, "The Bureau of Agricultural Economics Under Fire," *Journal of Farm Economics*, August, 1946, pp. 635-668.

3. Twelve states have passed zoning laws governing the construction and location of structures near airports. These states are Florida, Illinois, Iowa, Nebraska, New York, North Carolina, Oklahoma, Pennsylvania, Tennessee, Utah, Washington, Wisconsin. *National Municipal Review*, Dec., 1945, pp. 72-73.

process, constituted a kind of de-urbanization, such as Roosevelt had urged in his first inaugural address. It should have been clear to all that the defense factories, located and equipped at enormous expense, could have been converted to peace-time production and made ready for operation when the G. I.'s came marching home. A few plants (notably in Kansas and Utah) have been converted, but by now most of those located in the interior have been scrapped, and congestion in the Pacific Coast, Detroit, and the upper Atlantic Coast areas has become worse. The planning agencies of the states in 1945 can be roughly classified as they are in Table 9.

Table 9
TYPES OF AGENCIES IN THE STATES, 1945

<i>Economic</i>	<i>Resources and Development</i>	<i>Planning and Improvement</i>	<i>Planning Public Works</i>
Arkansas Indiana Mississippi New Jersey Washington	Arizona (Arkansas) Iowa Kansas (Industrial) Maine South Carolina Utah Vermont (Washington) Wyoming	(Arkansas) Alabama (Kansas) Colorado Connecticut (—to July, 1945) Maryland Michigan Nevada Tennessee Wisconsin	Montana New York

State legislatures have recently expressed dissatisfaction with past efforts in handling land utilization, population, and resources studies. Most of the legislatures wanted development and action. The trend was toward (1) developing master plans as in Alabama, or Arkansas and, (2) emulating California in making general studies, aiding local planners, and emphasizing industrial development. In some states there was an unfortunate tendency to combine research, publicity, and development in one agency.⁴ Hence, even though now all the states have some kind of planning agency, the states are competing with each other almost on the same basis as rival private industries. Except in the regional studies indicated above (Berge, *et al.*)

4. American Society of Planning Officials, *Conference on State Planning* (Chicago, 1945); Public Administration Clearing House (cited in this chapter as PACH) *News Bulletin*, May 6, 1946.

no one has given this development much critical thought. Perhaps the most significant trend has been toward state aid to local planning.⁵ The organization of regional valley authorities, discussed elsewhere in this book, will probably preempt national attention during the next decade. After that, we may begin to establish metropolitan authorities, building upon studies and partially completed plans in the New York, Philadelphia, Pittsburgh, Chicago, St. Louis, and San Francisco areas.

Nearly all of the state governors made recommendations about airports in their 1947 messages and most state legislatures took action in line with their proposals. By the terms of the Federal Aid Airport bill \$3,000,000 was authorized for planning and a fund was established to provide minimum appropriations of over \$356,000,000 for allocations during the next seven years. The allocations are scaled according to the size of the states, with Texas getting the largest amount. Some states had already passed enabling legislation; others did so in 1947. This legislation should do much toward improving air communication for the smaller towns.

The disastrous floods of the summer of 1947, followed by an almost equally unfortunate drought, brought home to many states the importance of regional flood control. In Des Moines, Iowa, alone, the flood losses were \$1,203,691 and the city engineer estimated that effective flood control works would cost only \$1,663,346. Federal officials announced that federal aid of \$350,000 was available for flood control. If this action had been taken earlier Des Moines would have been spared. But even in Iowa where floods are an infrequent hazard, it is realized that there can be no nationally effective protection against floods or stream pollution and other dangers, until entire river systems are controlled.

According to the International City Managers Association,⁶ 369 smaller cities planned to embark on 600 public works projects in 1946, if labor and materials were available. These ranged from sewerage projects, libraries, municipal buildings, garages, and fire stations, to hospitals and utilities. Most of the

5. PACH, *News Bulletin*, Jan. 21, 1946, and publications of *The Association of State Planning and Development Agencies*. Useful comments may be found in "New York State Makes Local Planning Work," *The American City*, Mar., 1946; and S. E. Sanders and A. T. Rabuck, *New City Patterns* (New York, 1946).

6. PACH *Bulletin*, No. 3, Feb. 13, 1946, and issues on following dates.

utility projects were to be financed out of cash reserves while sewage disposal plants and similar undertakings were to be paid for out of the proceeds of bond issues. All of this activity brings up another aspect of planning. Even as regional and state planning must be integral parts of national planning, and as county and city plans must be adjusted to state plans, so must, within each community, the building of public works, the location of recreation and civic centers, the layout of streets and the provision of utilities be related to each other.

One interesting development which bears watching is the attempt to organize the leading citizens of the state in a quasi-public state planning society. Although New York and New Jersey first experimented with this type of organization, the state which has won the most acclaim in recent years is Kentucky. A prominent businessman of Louisville, influenced and saddened by the poor record of the Blue Grass state in welfare, finances, and planning, set up a committee for Kentucky, which is reputed to have gained the support of all classes of citizens in an ambitious program of bettering both state and local government. No very tangible results have appeared yet, but there is no doubt about the awakened citizen participation in Kentucky's governmental problems.⁷

VETERANS AID AND HOUSING

Next to general planning, the gravest problem confronting the people of the United States is housing. The federal government admitted its failure when it abandoned the National Housing Administration and later accepted the resignation of Wilson Wyatt. Notwithstanding the most frenetic activity in the field of housing, by January, 1947, more people were inadequately housed than before the war. Those who were fortunate enough to remain in one place had a roof over their heads at a controlled rent up till the summer of 1946. With the abolition of OPA, New York, New Jersey, Massachusetts, Iowa, and Alabama independently continued rent controls.⁸ Later, federal controls were restored. For millions of citizens the paramount problem

7. H. W. Beers (ed.), *Kentucky: Designs for Her Future* (Lexington, 1945), and Harry M. Schacter, "Kentucky Pulls Itself Up by its Bootstraps," Speech at Nashville, Tenn., Nov. 14, 1947.

8. PACH, *News Bulletin*, July 8, 1946.

was finding a place to live—renting one, or building or buying one. President Truman on December 14, 1946, announced the determination of the government to cease giving direct aid to consumers and to concentrate all its efforts on speculative housing. The states gave up at the same time and left the house-seeker to shift for himself.⁹ Much of the post-war planning of the early 1940's was conceived in terms of aid to veterans; this was particularly true of housing. Since a million of the veterans were returning to the colleges, emergency housing had to be built. Some universities were fortunate in getting trailers and barracks from military and defense camps.¹⁰ New York acted most spectacularly when it established several "state universities" in deserted cantonment camps.¹¹ The bulk of the aid to veterans still comes from the federal government, but in 1945-1947, several states debated proposals to give bonuses and other help to veterans. In the universities, particularly, veterans enjoyed priorities in finding homes, even if the "homes" were only trailers and small apartments. In these cases, the states did little more than make available facilities provided by the federal government.

In 1937, Woodbury and Bauer estimated that by 1950, over 16,000,000 housing units would have to be constructed merely to meet the minimum standards of 1930. By the time we entered the war, we were 3,425,000 homes behind schedule, and by now we are so far in the rear, that even the Wagner-Taft-Ellender bill, which is the best of various national solutions, is not expected to be effective for a generation.* In 1947, the *Economic Outlook* pointed out that 15,000,000 non-farm dwellings were more than thirty-five years old, that 6,000,000 non-farm dwellings should be torn down and replaced, that 4,350,000 dwellings needed major repairs, and that 1,500,000 farm dwell-

9. National Association of Housing Officials, *Bulletin*, Dec. 20, 1946. All material and references to articles and statistical summaries relating to housing may be obtained from NAHO, 1313 E. 60th St., Chicago 37, Illinois.

10. The Indiana University *Daily Student* has contended that Indiana did the best job in housing veterans (Dec., 1946). This is questionable. But, again, no appraisal or comparison is possible until all factors are taken into consideration. PACH *News Bulletin*, May 16, 1946, summarizes progress in California, New York, Mississippi, and Kentucky.

11. J. E. Burton, "The Housing Problem," *State Government*, Dec., 1946, pp. 300 ff., relates progress in New York. Robert Lasch, *Breaking the Building Blockade* (Chicago, 1946). 1947 developments are given in *Minnesota Municipalities*, Sept., 1947, pp. 292-3. Also, *The United States Municipal News*, June 1, 1947.

* It's now the "Taft-Ellender-Wagner" bill.

ings were beyond repair. Estimating the need at the present time, this journal said that 3,000,000 families were now living in temporary or makeshift quarters and wanted homes of their own; also that 7,500,000 families were living in houses which must be replaced. With a prospective net increase of 5,000,000 families, we require a minimum of 15,500,000 homes in the next decade, and this without allowing any margin for mobility or moving from houses that are too large to others which are cheaper and smaller.¹²

Both experts and popular writers seem to agree on what's wrong with the postwar housing program. On the local and state level, there has been too much concern for the real estate dealers. In smaller communities, established real estate firms and "veterans turned realtors" have acquired strategic vacant property within and without the corporate limits often through the active connivance of public officials, or officials of quasi-public service organizations. Notorious evil practices, such as "shakedowns" of prospective tenants, and gouging by landlords and superintendents, have been aided and abetted by the local authorities. Zoning has been allowed to fall hopelessly behind the march of progress. Outdated and unstandardized building codes have protected the old fire-traps and the unsightly, wastefully-planned structures of the 1880's and 1890's, and have simultaneously prevented the use of new materials, new methods, and new designs. In the whole process rapid production has been hindered by the failure to plan, to stockpile and season wood and to stockpile other materials, especially builder's hardware. An organization of labor suitable to conditions prevalent a century ago uses today handicraft methods without the instinct and respect for craftsmanship which once characterized the carpenter and joiner. The unions resist advanced methods and constantly interrupt the building program with dilatory strikes and a lethargic attitude. All along the production line there are too many middlemen who take their toll in charges and delays. Eighty per cent of home builders are too small to use modern production techniques. Both contractors and workers try to "stretch out" the duration of the crisis, fearing they will suffer when the demand begins to recede. Most lots are too narrow, detached houses are too small, and multiple-dwelling

12. *Economic Outlook*, Vol. VIII, No. 8, Aug., 1947.

units are too frequently built to sell and not to live in. Sensible solutions to the dilemma of housing are shunned like the plague.

It is perhaps significant that Indiana and New Mexico, two states where the housing situation has been particularly unsatisfactory, led the way in 1946 in adopting new building codes.¹³ At the same time, the NAHO announced that Colorado, Connecticut, New Jersey, and Missouri were "actively promoting uniform building laws." Both the Indiana and New Mexico codes were based on the model Pacific Coast uniform building code, but the code of the latter state is a better one because it is flexible and based on performance rather than specification standards. That is, it allows the use of light steel, glued woods, and other materials precluded by rigid specifications in other communities. New Mexico is, moreover, one of the banner states in the Union in the development of a distinctly regional architectural style, which in some cases, as at the University of New Mexico, is imposed by statute. In most states the trend is toward rigid model codes left to the cities for voluntary adoption. It is true, therefore, that there has been some easing in the housing situation.

All of the states where the housing situation was acute took the initiative early in 1946, partially to remedy it. In Massachusetts, the State Board of Housing proposed a bill authorizing the cities to take proper steps. Minnesota set up a "housing expediter." Illinois contributed \$4,300,000 to the Chicago Housing Authority. Other significant measures were passed in Indiana, California, Missouri, New York, and Wisconsin. Mostly these measures provided for investigation, loans, and assistance to veterans threatened with eviction.¹⁴

The failure of the national housing program caused many states to consider tightening their rent control programs. Thousand of veterans and displaced persons began living in hotels already crowded with salesmen and visitors. Hotels, which had made a harvest during the war by various devices circumventing the rate restrictions, now commenced gouging in earnest. In Illinois a state senate investigating committee ordered writs to compel the attendance of hotel representatives at a hearing.¹⁵

13. National Association of Housing Officials, see PACH, *Bulletin*, April 2, 1946.

14. PACH, *Release No. 2*, Feb. 12, 1946.

15. *Chicago Sun*, March 30, 1947.

We are having to wait too long to get back to pre-war standards in terms of comfort and costs. The basic difficulty is the fact that neither the national nor the state governments have jurisdiction commensurate with their obligations. The building industry itself in all its ramifications is nation-wide and can be controlled only by the federal government. In the present crisis compromises will have to be made and we shall have to be satisfied with less than adequate measures. But, sooner or later, housing will have to be "nationalized."

SUMMARY

After an auspicious start initiated by the National Resources committee, state planning declined during World War II and degenerated into a number of different types of agencies with limited budgets and unclear objectives. Those which became merely tourist information and advertising bureaus hardly deserve inclusion among planning agencies. In some states, as Indiana, the central board is almost exclusively an advisory body which renders technical assistance to cities and towns in setting the local planning objectives. However, there is reason to believe that planning in the broad sense will experience a recrudescence. Kentucky is notable as an example of a state where private citizens have taken steps to perform the planning function privately and independently. On the national level, the privately sponsored National Planning Council has filled part of the void left by the elimination of the National Resources Planning Board, and has taken steps to encourage the planning movement in states and cities.

The federal government has failed to produce houses or encourage the building of houses. The states have done very little. But the states, by taking over some of the barrack-like military structures used by the defense departments during the war, have partially and temporarily satisfied the demands of veterans enrolled in universities and colleges. During 1947 building costs and rentals went up, and materials were still scarce, with the result that the housing situation has become worse.

In conclusion, the basic issue in respect to both planning and housing is whether there shall be more or less government intervention. Usually this question is debated without reference

to the constitutional and political problem of federalism. It is as though consideration of what the national government should or should not do exhausts the intellectual stamina of the disputants, and they dare not consider the local and state ramifications of planning. Since it is probable that current attitudes have been influenced greatly by F. A. Hayek's *The Road to Serfdom* (Chicago, 1944), and the rejoinder to it written by Herman Finer, *Road to Reaction* (Boston, 1945), the inquiring student would do well to read these volumes. Other recent works of merit are B. Wootton, *Freedom Under Planning* (Durham, N. C., 1945), and Lewis L. Lorwin's *Time for Planning* (New York, 1945).¹⁶ A merely cursory reading of these works will disclose how far apart our philosophers are in their thinking about how man can better his estate before it is too late.

16. See the thoughtful review of these books, by E. G. Nourse in *Public Administration Review*, Spring, 1946, pp. 177 ff. For the experiences of a single state with education, water, sewerage systems, and public works during the war, see studies by Stoner, Sikes, and Field on Indiana. Bureau of Governmental Research, Department of Government, Indiana University.

Chapter XI

AN APPRAISAL OF THE STATES AS THEY ARE NOW

SOURCES

The sources of material on the states are, as was said earlier, exceedingly voluminous. Every year some new writers try to set down their interpretations of the character of a region, a state, or a people. John Gunther, in his *Inside U. S. A.* (New York, 1947), distilled in one book his impressions of the whole country. Graham Hutton did the same thing for a region in his *Midwest at Noon* (Chicago, 1946). Several writers have tried their hand at "interpreting" Indiana, the most recent being John B. Martin, *Indiana, An Interpretation* (New York, 1947), and Ross Lockridge, Jr., in *Raintree County*, a novel which was published and accepted for cinematic adaptation while these lines were being written. By consulting these and similar works the reader can have his unaspirated reflections confirmed in print. But if he really wants to master the subject of the states and their government he has a stupendous amount of reading to do.

On the strictly governmental side, W. Brooke Graves has come out with a third edition of his *American State Government* (New York, 1946), which is now of colossal size—1,094 pages—and yet summarizes mountains of material in an agreeable style. No one has written a penetrative analysis of the states equal to Lewis Mumford's *The Culture of Cities* (New York, 1938), or to F. J. Turner's, *The Significance of Sections in American History* (New York, 1932). George C. S. Benson's *The New Centralization* (New York, 1941), and Jane P. Clark's *The Rise of a New Federalism* (New York, 1938), remain the best of the general works on up-to-date federalism.

Of the so-called "civic organizations," *The National Municipal League*, founded in 1894 by Theodore Roosevelt, James C. Carter, Horace White, and others, still leads all minor movements attempting to create and maintain an alert and well-informed body of citizens. The political parties do nothing to stimulate progress in state government but the League of Women Voters, at any rate in certain states, tries to activate its local chapters and to coördinate their strivings. The only other non-official organization working effectively for governmental reform is the National Civil Service League, inaugurated in 1880.

As a matter of fact, the 1313 group — the organizations united in the Public Administration Clearing House at 1313 East 60th Street, Chicago — is not *official*. But the great majority of the members of the national organizations quartered at that address are public officials. Most of them are officers of state or local governments. These organizations, with their directorial, research, and secretarial staffs, meetings, publications, libraries, and conferences, constitute the greatest single reservoir of information on state and local government. Through these organizations pass suggestions for reform; by them standards are fixed and campaigns launched to secure their acceptance.¹

Many governmental researchers working on the state level are members of the *Governmental Research Association* (30 Rockefeller Plaza, New York) but this is more genuinely a professional association which confines itself to shop talk, except when it is addressed by one of its founders, Charles A. Beard. Nevertheless, since all the leading research men are members, it does much to refine the techniques of citizen-research and actual management.

There are two chief types of state and local organizations which show an interest in the work of the state governments: these are the research organizations and the pressure groups. In practice, it is not always easy to distinguish them. Unquestionably, the greatest force for improvement and non-partisan

1. See Louis Brownlow, *National Governmental Organizations*, Chicago (Chicago, 1934); Hal Hazelrigg, "The 1313 Group in Chicago," *Annals of the Amer. Academy*, Sept., 1938, pp. 183-189; Herbert Emmerick, *Thirteen-Thirteen* (Chicago, July, 1946), etc. The primary source materials used by these organizations are federal, state, and local documents and field studies carried out by them or by other respectable organizations.

advice on governmental matters has been the university bureaus of public administration or government research. The older ones: Bowdoin, Minnesota, Pennsylvania, Texas, Tennessee, Penn State, Indiana, and Oregon, have addressed themselves chiefly to municipal questions, but the Alabama, Kansas, New Hampshire, New Mexico, Virginia, and Washington bureaus have produced valuable studies of state problems. Several of the directors of state legislative reference services and councils have been recruited from these bureaus, men such as Guild, Isakoff, and Shumate.²

The chief of the pressure-groups is the taxpayers' associations, which are serviced and led, after a fashion, by the Tax Institute and the Tax Foundation. The central organizations are more properly research organizations which frequently make suggestions with respect to policy. Nearly every state has such an organization, financed by the larger taxpayers. It is to be expected that these organizations should carry on a ceaseless campaign for lower expenditures, lower debts, and lower taxes. They often "borrow" from each other and one who follows every issue of the journal grows weary of the unremitting barrage of financial statistics and economy editorials. But there is no disputing that they have been instrumental in raising administrative standards and by their constant vigil lessened the worst evils of administration.³

On the state level, such organizations as the *Committee for Kentucky* successfully combine the attributes of citizen research, pressure groups and parent organizations for local action groups. For many years, independently organized associations, such as the City Club and the Citizens Union, of New York City, and the Minneapolis Civic Council, have had an influence on their respective state legislatures transcending their role as spokesmen for purely urban interests.⁴ California's Commonwealth Club, organized in 1903, deserves special mention because of the breadth of its concerns and the weight of its recommendations.⁵

2. R. C. Martin (ed.) *The University Bureaus of Public Administration* (Alabama, 1946), consists of a series of reports on such bureaus.

3. Cf. The New Jersey Taxpayers Assn., *Proposed 1948 Platform and Program*, Trenton, 1947. The aims and work of the Tax Foundation are summarized in *Tax Outlook*, Dec., 1947.

4. Cf. A good example of a civic league is Seattle's. See: *Mun. League of Seattle*, "What the Municipal League of Seattle Accomplished in 1946," Seattle, Jan. 20, 1947.

5. W. B. Graves, *State Government* (New York, 1946), pp. 193 ff., discusses

Growing in importance are the state leagues of municipalities, federated in the American Municipal Association. Graves contends that their influence "is likely to be a constructive one,"⁶ but that the opposite is true of other types of local officials' organizations. The mayors, united in the United States Conference of Mayors, led for many years by Fiorello H. La Guardia as president and Paul V. Betters as secretary, have been a liberal force in the nation; and they have documented the trend toward closer federal-city relationships.

These, roughly, are the forces which contribute reports, appraisals, ideas, and plans to the science of state government. Policy and practice flow from the impact of these agencies and such other initiative impulses as physical changes — floods, droughts, soil depletion — economic change, social change, and political change on the traditional structure and personnel of state governments.

We have indicated the result of some of these forces in the chapters dealing with finances, housing, welfare, and education.

It does not lie within the scope of this small volume to treat any of these problems exhaustively. But it is possible and perhaps useful to recapitulate what has been said about certain state functions. The duty of educating young people is left almost entirely to the states, although the higher education and training of citizens for technical jobs is managed more largely by privately-operated institutes, schools, colleges, and universities. Originally conceived as a local (primary and secondary) and private (higher) function, education has become a state concern. Vast sums are now appropriated out of state funds to subsidize local schools and maintain state institutions of higher learning. In the eastern states, where there are fewer state institutions, large appropriations have been made for help to private institutions. Federal aid has gone mainly to the South. Millions have been spent by the federal and state governments for the support of training and education of young farmers and businessmen; almost nothing has been expended on education of

this and other types of organizations. The Commonwealth Club is actually a general political, research-forum-good-government society, like the New York and Chicago City Clubs. In California the cities are represented by the League of California Cities. Cf. its *Legislative Bulletin*, Mar. 6, 1947.

6. *Ibid.*, p. 199.

the workers. It seems to be generally conceded that the states have not done well in the field of public education.

The protection of public health and the maintenance of hospitals is not a federal duty, but nevertheless the central government, by means of its quarantine regulations, its pure food and drugs act, its veterans' health and hospital program and its Public Health Service, has done much. States did little until about sixty years ago, but since then they have expended millions of dollars on reporting of vital statistics, preventive regulations, hospitals, and nursing programs. In the cities, municipal hospitals are beginning to displace religious and other kinds of private institutions. County health services and hospitals are almost uniformly defective, poorly administered and financially wasteful. Public health in the states needs improving badly: more facilities, better coördination and better management.⁷ Regional organization would be helpful and is absolutely essential in the control of the disposal of wastes and of other health hazards.

The history of our concern for public welfare reaches back one hundred years. But there are still private, federal, state, and local agencies involved in its provision and administration. Most of the burden of guarding against insecurity due to unemployment, and caring for the aged, survivors of deceased persons, needy children, and the indigent blind falls on the federal government, which also supplies over half the funds for maternal and child health services and service to variously handicapped children. Except insofar as the federal government has required it, there is no uniformity in nomenclature, organization, financing, or personnel in state welfare agencies. Nor is there any consistent pattern of state-local welfare relations. This makes it impossible to state categorically that states do or do not satisfactorily provide for the public welfare. The general impression is that the present complicated program is inadequate.⁸

The states have not solved the housing problem. The national government has given up the leadership in this field which

7. H. S. Mustard, *Government in Public Health* (New York, 1945), and publications of the American Public Health Association.

8. Marietta Stevenson and Alice McDonald, *State and Local Public Welfare Agencies* (Chicago, 1939); R. C. Lowe, *State Public Welfare Agencies* (Washington, 1939); H. M. Zink, "Social Services: Public and Private," in R. V. Peel and J. S. Roucek, *Introduction to Politics* (New York, 1941), pp. 466 ff.

it maintained from 1935 to 1946. But even prior to federal action, all but ten of the states had tried to grapple with the problem. Since the need for dwelling houses has become acute since the war, it is both lamentable and inexcusable that both levels of government have failed so ignominiously. Only a few states have voted veterans' bonuses, but many of them have legislated veteran preference in the civil service. Neither of these measures has been in accord with good public policy. Veterans want homes, jobs, and education; it is the federal government which is putting up the money for their continued education. The great steps forward in the field of planning, taken from 1934 to 1943, have now been halted. In most states real progress is so slow that it does not merit discussion.

Although the "police power," as it is called, is found in the federal government,⁹ it is essentially "the reserved power of the state to legislate concerning matters of public safety, welfare, health, . . . morals" and public convenience. The range of state action in this field has been narrowed by judicial interpretation (based on the Fourteenth Amendment) and by Congress. But there is still much left. Regulations in the interest of *public health* belong in this field. Next comes *public safety*. In order to make traffic safe, states may issue drivers' licenses and issue motor vehicle registrations. A recent survey by a magazine writer revealed that several states sent driver's licenses to persons applying by mail. This was so obviously bad that the states guilty of such practices stopped them at once. Most states have what they consider to be good systems; but the fearful toll taken annually by automobile accidents (highest in Arizona and California, lowest in the District of Columbia) suggests that there is room for improvement. Regulations of railroads, airplanes, the growing prohibitions of the sale and use of fireworks, and regulations of firearms, all belong in the same category. So do most factory regulations and building codes. Unquestionably, the states have made progress in the safety field.

Having a different purpose, but operating in the same way, are regulations for the protection of *public convenience*. Generally this includes provisions for more and better service by utilities, restrictions on peddlers, and matters of that sort. There

9. Dimock and Dimock, *op. cit.*, p. 189; *Halter v. U. S.*, 205 U. S. 40, 1907.

is no regional pattern here. But every new rule means one more blow at the free, easy, swashbuckling life of the 90's.

The most persistent controversy reigns in the field of *public morals*. Laws aimed at indecency, prostitution, narcotics, liquor, gambling, and racetrack betting are designed to protect the young from temptation and the general public from its more vicious members. Most states are held to have fairly satisfactory laws against organized vice.¹⁰ But the general public is not yet fully convinced that it should outlaw the milder forms of vice. On the whole, the urban communities are more libertarian in their attitudes than the rural areas. Minnesota is currently the "strictest" state; Nevada and New Jersey are the most indulgent. Liquor control is no longer a serious problem, although the prohibitionists, especially in Kansas and the South think otherwise. Kentucky has a curious attitude: supporting itself on its income from tobacco, whiskey, and horses, it is always on the verge of denying these satisfactions to its own citizens.

To protect their citizens from *fraud*, states have passed "blue sky" laws aimed at fraudulent securities, usury laws, honest weights and measures laws, etc. In the early days of this century such laws were needed and they have provided a welcome protection. Today the efforts of the states are supplemented by federal enactments in most of the kinds of cases which arise. The worst offenders now are the small loan companies and other petty organizations which have devised ingenious methods of defeating the usury laws. In Massachusetts and New York, alert and public spirited citizens have done more to prevent frauds on the little man than in any other state.

Every state has some kind of regulations governing *nuisances*. In Pittsburgh, a local planning commission took the lead in ending the smoke nuisance, a major victory. Noise is beginning to come under the ban in many cities. In New York and Connecticut the first blows were struck at unsightly billboards. We can say that the states are moving as rapidly as possible to abate nuisances and to destroy the conditions which give rise to them.¹¹ The problem is fundamentally a regional problem, but it is now

10. George Gould, "Laws Against Prostitution and Their Use," *Journal of Social Hygiene*, Oct., 1941, and the writings of sociologists.

11. W. B. Graves, *op. cit.*, pp. 797 ff.

being attacked successfully in urban areas by metropolitan councils.¹²

The experts call these things applications of the *police power* — “an idiom of apologetics which belongs to the vocabulary of constitutional law. . . . [If a regulatory statute in the course of judicial review] is sustained, the police power is usually invoked as the sanction; if it is declared null and void, some such phrase as ‘lack of jurisdiction’ or ‘want of due process’ lies at the base of the generalization. Hence the police power is one of two balanced terms which make up a formula of constitutionality.”¹³ Whether a state may or may not regulate the activities of individuals or the use of private property in order to accomplish the ends indicated above is a matter of continuous controversy in courts, in legislatures, and among administrators and the people. It is not possible to say in which field the most clarity and general agreement prevails. Most of the citizens would probably nominate “safety” as first. In the popular mind, police and constabulary are synonymous. The average man thinks of police as public officers who maintain public order and protect persons and property from the commission of unlawful acts. He knows that the sphere of police work has broadened to include licensing, inspections, and even emergency relief. And he recognizes that police are no longer purely local; but he is not quite aware of the extreme decentralization of the police in the United States. There are now state police in every state, but in fourteen they have authority over traffic violations only;¹⁴ in other states they have tended to displace sheriffs and rural constables. The status and scope of state police authority is not yet clear.

All but nine of the states have a state fire marshal, or some similar officer, but the actual work in extinguishing fires and most of the fire inspections are carried out by local fire departments.¹⁵ State fire officials are interested only in fire prevention, educational work, and insurance rates. This is therefore not properly a state function. Military defense is in the states an anachronism and an anachorism. Protection against human and

12. Marshall Stalley, “A Metropolitan Citizens Council,” Speech at Nashville, Tenn., Nov. 14, 1947.

13. W. H. Hamilton and C. C. Rodee, “Police Power,” *Encyclopedia Social Sciences*, Vol. XII, p. 190.

14. *The Book of the States*, 1945-1946, pp. 421 ff.

15. *Ibid.*, p. 585; and *Illinois Blue Book*, 1945-1946, p. 527, for example of work in a typical state.

animal disease, against depletion of resources, waste, and pollution is usually a function of some bureau or division having many other duties and is hardly susceptible to comparative evaluation. But we can say that the richer, larger states protect the citizens more effectively than the poorer and smaller ones.

Naturally, in the performance of its duties with respect to business, labor, agriculture, transportation, and the professions, the average state passes laws and acts administratively under the police power. But most statesmen look upon functions in these fields as *sui generis*. Regulation is combined with service. Untold billions of dollars have been given industrial, transportation, and business interests indirectly or in the form of cash subsidies, lands, and discounts.¹⁶ Motives have varied: some were for national development; others to encourage production, conserve war plants and equipment, promote social and political aims, and to regulate the business cycle. Generally, we think of government's relation to business as being a matter of regulation. In governmental action as a whole and as between different levels there has been no consistency; often regulations have been contradictory. There have been upsetting reversals of policy, due to the pressure of immediate demands.¹⁷ Most states have tried to protect stockholders, small competitors, and consumers against the monopolizing and rapacious tendencies of corporations, but they have not been very effective.¹⁸ Not much more successful have been the state commissions for regulating "public utilities."¹⁹ The progressives who once favored regulation to obtain good service, low rates, and proper use of resources, are now discouraged and are beginning to ask for outright public ownership. Although the literature in this field is gargantuan in proportion, public interest appears to drop in direct proportion to the amount of news and comment. Nevertheless, there is

16. There is a curious lack of suitable references regarding this phase of democratic, capitalistic government. Cf. B. W. Patch, "Government Subsidies to Private Industry." *Edit. Research Rpts.* (1933), Vol. I, no. 16; C. C. Rohlfs, *et al.*, *Business and Government* (Chicago, 1938); A. M. Schlesinger, *The New Deal in Action, 1933-37* (New York, 1939); E. P. Herring, *Public Administration and the Public Interest* (New York, 1936); J. Backman, "Economics of Subsidies," *The Tax Review*, Oct., 1947; and Federal Coördinator of Transportation, *Public Aids to Transportation* (Washington, 1940).

17. Jacob Viner, "The Short View and the Long in Economic Policy," *American Economic Review*, Mar., 1940, pp. 1-15.

18. Dimock and Dimock, *American Government in Action*, p. 749.

19. John Bauer, *Effective Regulation of Public Utilities* (New York, 1925), and other works by him and by M. L. Cooke.

definitely a trend from publicly regulated private enterprise to some form of public ownership.

Since labor is one part of business enterprise which is *not* capital, it is difficult to estimate the beneficences of government. Employed workers as such have received few if any cash benefits. But in the regulation of business enterprise there have been taken many steps to improve the bargaining power, organizational solidarity, working conditions, and wages of labor.²⁰ Fourteen states had created labor departments prior to 1885, when the federal government took action. The seven greatest industrial states have since then led the country in progressive and beneficent labor legislation. There are still defects in safety legislation but every state now has some form of protection over children and women in industry.²¹ It was not until after the federal government acted in 1935 that the states began to establish labor relations laws. These were largely advantageous to labor until 1946, when the elections indicated a swing to the "right." During the spring of 1947, forty-four state legislatures considered laws designed to limit union practices. By mid-March, twelve states (all southern except the Dakotas) had passed laws banning the closed shop;²² by session-end, ten states had passed laws forbidding strikes by public employees, and Indiana and New Jersey had enacted bans on strikes by public utility employees. In most of the states there is now some legislation imposing restrictions on union activity. If the federal Taft-Hartley law should fail, it is probable that these repressive state labor laws will be modified.

The states' relation to agriculture is nearly entirely benevolent. In Congress the farmers have had, until recently, a powerful influence all out of proportion to their numbers. Their power over state legislation has been even greater. And yet, the tremendous political power of the farmers has not brought them lasting benefits as a group. This is because the problems of agriculture are so much more complicated than those of any other interest. The work of state departments of agriculture is almost entirely of a nature supplementing the assistance of the

20. C. O. Gregory, *Labor and the Law* (New York, 1946), and H. W. Metz, *Labor Policy of the Federal Government* (Washington, 1945), relate how the influence of the national government has grown.

21. *The Book of the States, 1945-1946*, pp. 374 ff.

22. *Chicago Sun*, Mar. 30, 1947; PACH, *News Bulletin*, July 21, 1947.

federal government. States can do very little about markets; that is the business of the nation. But in one respect, state agricultural administration is more significant than any other. Through the county agents, who are technically county employees, the states have achieved an exemplary form of intergovernmental coöperation.²³

Closely related to agricultural policy is conservation. In this field, one may find that activities relating to soil conservation, forestry, fisheries, wild life, and state parks are all united in one department; on the other hand, every other kind of organization exists. The keynote of conservational activity is coöperation, but the federal government has borne the heaviest financial burden. Soil conservation programs are essentially coöperative,²⁴ but the best word to describe intergovernmental relationships with respect to game and fish is "intricate."²⁵ Forestry departments were established by the states from 1900 to 1910. Today over 21,000,000 acres of land are administered by the states as forests, parks, or game preserves. New York ranks first, both in size and goodness of administration, but Indiana, with limited resources, has set up a very fine system of parks. It ranks next to New York in revenues from operations. While all these truly magnificent efforts at conserving our soil, tree, fish, and game resources are impressive, they conceal the fact that as a nation we have been extremely careless of our patrimony. Whether by intergovernmental coöperation or by federal action, we must soon adopt a national policy and a closely coördinated administration for conservation.

SUMMARY

These, then, are the sources of our facts and ideas about state government, and these are the jobs the states have tried to perform. Distinctive patterns of action have emerged in different states at different times. A fairly high degree of similarity obtains in judicial organization, law enforcement, and in the law governing civil relationships between individuals. The

23. Henry A. Wallace, *New Frontiers* (New York, 1934); *Yearbooks* of the Department of Agriculture. Also: publications of the Iowa, Illinois, New York, and Minnesota departments.

24. Cf. T. C. Donnelly and Paul Beckett, *The Soil Conservation Program in New Mexico* (Albuquerque, 1946).

25. *The Book of the States 1945-1946*, p. 271 *et. seq.*

states do not differ widely in the way they administer welfare and health services, where the federal regulations require a certain amount of conformity to federal standards. No state has solved the housing problem; they all rank low on this score, and none has lived up to the promise of the 1930's in planning. In the exercise of the police power, there is only fair uniformity. Generally the heavily-industrialized states have been more tolerant in the enactment of "morals" legislation; and the rural states have been most strict in protecting their citizens from fraud. The greatest divergencies have been found in the regulation of commerce, labor, transportation, and the professions.

With respect to classes of citizens, certain states have been indulgent with labor, others have been considerate of business. All of the states have acted kindly toward farmers even those where there were few farmers. In a previous chapter, we observed that states could be rated on absolute scale which assumed that standards of goodness relating to resources, social and economic organization, and government would be generally accepted. It is not yet possible to rank the states on "general governmental effort." Iowa appears to have the best prerequisites for a high score, but Washington has challenged the position of the Hawkeye state in the past two years.

On the other hand, this study reveals that comparisons of states cannot be satisfactorily made, since one cannot take all the factors of goodness into account. Despite the fact that each state has had a unique semi-sovereign political history, it is possible to draw conclusions only about regions. One can also state that in certain regions the requirements of good government, or, at any rate, of progress toward that goal, are being satisfactorily met.

Chapter XII

THE STRUCTURE OF STATES AND THE FEDERAL SYSTEM

In a number of the preceding chapters, the structure of the federal government and of the states has been discussed. Let us now review this problem.

Internally all states adhere to the doctrine of separation of powers. Each has a judiciary, an executive, and a legislature. The court system resembles that of the federal government but with an important difference: all subordinate and local courts are parts of the state judicial structure.¹ There is great variety in the states' judicial organization. Most of the lower court judges are elected, as are the judges of the higher courts in all but twelve states. For a long time, popular selection of judges was held to be unfortunate; but there is now a tendency toward non-partisan elections, bi-partisan or independent endorsements, and other means of improving the caliber of judges. Another attempt to do the same thing is the *judicial council*, an official body of judges charged with the duty of keeping organization, rules, and research up to date. Consolidation of courts has proceeded satisfactorily in large cities, but too many small towns and rural areas still choose justices of the peace, who are no longer of any real value. There should be fewer judges with broader jurisdiction and, of course, higher salaries. It is generally held that judicial procedure should be improved and the jury system either abolished or reconstructed.²

A knowledge of the legal systems of the states is of more importance to the average man than a knowledge of our federal

1. C. N. Callender, *American Courts: Their Organization and Procedure*, (New York, 1927); W. B. Hannan and M. B. Csontas, *State Court Systems*, (Chicago, 1945).

2. W. B. Graves, *American State Government*, pp. 705 ff.

legal structure. After the federal constitution, each state's constitution is the paramount law of the states. Next come the common law, the enacted statutes and the decisions of the courts. After these come opinions of the attorney general and other sources of law. Disputes between individuals fall under civil law. In the case of crimes, criminal law applies. The ordinary citizen should know what law prevails in his state, and which courts — if a distinction is made — have civil and which have criminal jurisdiction. It is a matter of satisfaction to know the writs, but if a man is involved in a dispute or accused of crime he had better hire a lawyer. Although it is impossible in a few sentences to rate the legal systems of the states, we can venture the observation that California has the most modern civil code and New York ranks first among the states which have codified their criminal law. Unlike most European countries, we have no separate courts for applying administrative law.³ The first efflorescence of administrative tribunals occurred in the states, but what disturbs many "old-time" constitutionalists is the current development of a federal administrative law. They are disturbed because important stages in the process of administrative law are left to the executive. We may, some day, have to set up independent administrative courts.⁴

Passing on to the executive, the most striking difference between federal and state structure is that the states have a plural executive, i. e., in addition to the governor, several other important state executives are independently elected. A few states have abolished the office of lieutenant-governor, and in others the appointive power of the governor has been strengthened. This is particularly true in the states which have reorganized their administrative structures. Actually, however, it is very difficult to distinguish the governors who are good administrators from those who are not. The limitations on governors as chief executives have their origin in the doctrine of rotation, but they also have been nourished by the fear of political machines. Indiana and New Mexico are two out of the seventeen states which restrict the governor's reëligibility to hold office. To some extent the suspicion of governors is grounded in appre-

3. Cf. Ernest Freund, "Administrative Law," *Encyc. Social Sciences*, Vol. I, pp. 452-55; and articles by Freund, A. A. Berle, Jr., Felix Frankfurter, *et al.*

4. Cf. Works by W. A. Robson (England), Nils Herlitz (Sweden), and Poul Andersen (Denmark).

hension of his control over legislation. In 1947, there was a great similarity in the governors' messages to the respective legislatures; but the favorable response of most of the latter did not entirely signify that the fortunate governors had compelling personalities. The only governor who in recent years has "clashed" with his legislature is Arnall, of Georgia.⁵ The turnover in governors is not as serious a defect as is the weakness of his position as one of several executives. He is poorly paid and inadequately equipped with staff assistance, and he has inadequate control over the budget. Effective responsibility is not his although many voters attribute it to him.

The most noteworthy recent development in state administration is the "state manager" plan, introduced by Governor Stassen, of Minnesota, in 1939. Well over half the states, mostly in the Northeast, but as far south as Georgia, have reorganized their governments. There are approximately 3,200,000 state and local public employees at the present time, but if the number of teachers and local employees are subtracted there are only about 450,000. Half of these now obtain and hold their jobs by other considerations than merit. As a matter of fact the majority are competent civil servants, but it is still possible to improve the service by raising pay, increasing security and responsibility, and establishing merit standards.

The state legislatures are, on the whole, improperly constituted and organized. There are too many legislators, they meet for too short a period, they are inadequately paid, they are insufficiently trained, and they lack the proper experience. Even so, because of reference bureaus, legislative councils and other aids, state legislation is often better drafted, more cogently debated, and more stably enacted than federal legislation. The needed reforms are obvious.⁶

About forty years ago, the great reformers, Theodore Roosevelt, Wilson, Hughes, U'Ren, and Hiram Johnson, led the movement for direct political action — the initiative, referendum, and recall. Less than half the states adopted these measures but they

5. All the standard texts discuss the governor. The fullest treatment is found in Graves, *op. cit.*, pp. 361 ff.

6. Cf. works by Chamberlain, Walker, Buck, T. V. Smith, C. I. Winslow, C. C. Young, and Roger Shumate. Also T. H. Reed, *Legislatures and Legislative Problems* (Chicago, 1933); *The 44 State Legislatures of 1935* (New York, 1936). A typical preview of legislation is "Legislative Problems," *The North Dakota Taxpayer*, August, 1946.

are now well entrenched, except for the recall, which is rarely used.

Proportional representation has been adopted by some cities but by no states. New York City temporarily abandoned this method of securing a representative assembly in 1947. Since proportional representation is designed to abolish unfairness or special advantage it wins few zealous advocates. Gerrymandering, on the other hand, is well anchored in the states. The lowest proportions of enfranchised citizens may be found in the South. It is quite clear that there should be a uniform national law respecting the suffrage and methods of voting, although it might be advisable to bring the latter under control gradually. Already most of the states have adopted the direct primary, permanent registration, and other reforms. The voting machine makes slow progress, partly because its manufacture and sale is in the hands of a private monopoly which has had the customary difficulty in "obtaining materials."

At one time one could describe the states in terms of customary preferences among the two great parties. This is no longer true. On a sectional basis, all southern states from Florida to Texas nearly always vote Democratic. The border states — Maryland, West Virginia, Virginia, Tennessee, Kentucky, Indiana, and Missouri — are also marginal states. They are uncertain in their allegiance to either party. The Middle West is currently the only stronghold of the Republican party and seems no longer to be loyal to the progressivism which once had its home here. Careful studies of voting behavior indicate that, territorially distributed, sections are more significant than states. There is no section where political radicalism is at home, and the same may be said of reformism. The most promising movements for reform since World War II have developed in Georgia, Kentucky, Louisiana, Vermont, New York, New Jersey, Missouri, Colorado, New Mexico, and Tennessee.

Political bossism is dying. It thrived during the five decades at the turn of the century when state independence was at its zenith. Today the American states' pattern of politics is uncertain. Not yet have any great leaders risen to take the place of the Norrises, LaFollettes, Smiths, Roosevelts, Cuttings, and Whites of the age of progressivism.

We have seen how the federal union has altered its character.

By means of grants-in-aid and direct subsidies, as well as by the assumption on the part of Congress and federal courts of borderline functions and of implied powers, the federal government has become stronger. Thomas Jefferson anticipated the "pork-barrel" on rivers and harbors grants when he said in his second inaugural:

"These contributions enable us . . . to apply such a surplus to our public debts . . . and that redemption once effected, the revenue thereby liberated may, by a just repartition of it among the states and a corresponding amendment of the Constitution, be applied in time of peace to rivers, canals, roads, arts, manufactures, education, and other great objects within each state . . ." ⁷ When congressmen learned about the enormous potentials of this policy, they embraced it eagerly as a device for gaining the gratitude of constituents. States and localities accepted it because of the limitations on their taxing and borrowing powers. The first, or genuine "pork-barrel," projects were expenditures by Congress on behalf of the *federal* government for post offices, rivers, roads, and other federal improvements. The second were outright grants of lands to the states, supposedly for school purposes, made from 1785 to 1861. Conditional grants began with the Morrill Act of 1862. In 1911 the policy of appropriating federal funds which had to be matched by the states was begun. Direct federal aid to cities commenced in earnest in 1933, as did aid to the counties under the Agricultural Adjustment Act. Excluding local expenditures on its own behalf — which have nearly the same political and economic effect — the total of federal grants today is around \$6,000,000,000. By agency, these grants are made by or through Agriculture, the Federal Security Agency, the Federal Works Agency, Interior, Labor, and miscellaneous agencies. Montana, in 1946, received fifteen different types of emergency grants in addition to the regular aid.⁸ From 1934 to 1947, it has been estimated that \$29,400,000,000 has been spent on state and local aid. New York obtained the most and Vermont the least, which seems proper — but in the middle brackets there were many states which "contributed" more in taxes than they got back in aid. These are the states which deplore and assail aid. Rhode Island complains

7. James D. Richardson, *Messages and Papers of the Presidents*, Vol. I, p. 379.

8. *Montana Taxpayer*, Sept., 1947, p. 4. Cf. "Cities Wake to Federal Encroachment," *The Kentucky City*, May, 1947, p. 9.

that eleven states which would benefit under § 472 (the Taft-Thomas-Hill-Chavez bill) keep their tax rates low and thereby get unfair advantages in rates of aid based on low incomes.⁹ New Jersey is another foe of federal aid. On behalf of the taxpayers, Governor Driscoll has campaigned valiantly to curtail the grants. In recent addresses he has moved away from his earlier position of unqualified hostility and urged "a master plan of a working federalism" which will most effectively use the resources of the local, state, and federal governments and of private industry.¹⁰ Recognizing that there is room for betterment, the leading political scientists think that grants-in-aid from the nation to the states and from the states to the local governments has been beneficial.¹¹

In their interrelations, states have drawn closer together. Difficulties have arisen in the interpretation of the *comity* clauses of the Constitution, full faith and credit, equal privileges and immunities, and so on. There is a growing body of opinion in favor of a uniform marriage and divorce law. Some sociologists have suggested that marriage be made difficult and divorce easy as a remedy for the growing instability of marriage relations. In one field there is no suggestion for change: nearly everyone agrees that interstate rendition of criminals is properly organized.

The interstate aspect of business control and welfare is coming under control mainly through the agency of uniform laws. In the case of regional problems, states have made progress with interstate agreements and compacts. Originally used to settle boundary disputes which the courts had unsuccessfully tried to handle on the basis of the principles of international law, compacts now concern the division of river waters, crime (supervision of parolees, etc.), bridges, stream pollution, oil production, tobacco production, flood control, recreation, fisheries, and other subjects.¹² As stop-gap measures, waiting upon regional

9. See *Your Government Affairs*, Aug. 11, 1947. The classic appraisal of aid is *National Municipal Review*, Oct., 1928, supplement.

10. A. E. Driscoll, "Competitive Taxation Must Stop," *State Government*, March, 1947, pp. 79 ff.

11. Cf. Dimock and Dimock, *op. cit.*, pp. 157-8 and works cited; D. W. Hanks, Jr., "The First Session of the 80th Congress," *Minnesota Municipalities*, Sept., 1947, p. 291.

12. Cf. *The Book of the States*, 1941-42, pp. 56 ff. and subsequent issues. Also, M. E. Dimock and G. C. S. Benson, *Can Interstate Compacts Succeed?* (Chicago, 1937).

solutions of economic questions and national solutions of social questions, such as crime, divorce, welfare, and education, this experience has been essential to the operation of our federal government.

Although the cities and even the counties became stronger as a result of direct relations with the federal government, the states have recaptured some of the ground lost by increasing their grants to the local governments and by sharing taxes and other revenues with them.¹³ Out of all inter-governmental aid payments, the states receive 26.5 per cent and the local governments 73.5 per cent. The states got \$766,723,000 from "other governments" — mostly the federal government — in 1946 while the localities received \$2,125,024,000. In 1945, the states paid out \$1,854,000,000 to the local governments. The entire system is not uniform; Wisconsin handed over 50 per cent of its total revenues to the local governments in 1943; Indiana then ranked sixth with 37.7 per cent, New Mexico twenty-fourth with 25.9 per cent, and Nevada was last with Connecticut in forty-seventh place. The cities of Massachusetts fare best with per capita aid payments of \$16.10 and \$16.08 (1942). States which are very ungenerous to the cities are North Dakota (\$.03), Wyoming, Iowa, and South Dakota. States vary considerably also with respect to type of aid and basis for tax-sharing. Although a fairly large number of politicians object to state aid as vehemently as they do to federal aid, the consensus of opinion among scholars and experts is that there are great possibilities for further state aid in the next few years.¹⁴ Opinion on the advisability of shared taxes is divided, but nearly all the specialists favor the Moore plan, of New York, which effectively guarantees local government a minimum level of revenues.

Frank Bane,¹⁵ in a review of current problems in this area, suggested first that local governments should be made more free by giving them financial aid and removing political restrictions,

13. C. H. Chatters, *Grants-in-Aid and Shared Taxes* (Chicago, Mar., 1945).

14. A. M. Hillhouse and M. Magelssen, *Where Cities Get Their Money* (Chicago, 1945); Carl H. Chatters, "The State, the Municipalities and the People," *Municipal Finance*, Aug., 1947; *The Iowa Taxpayer*, Aug. 4, 1947; *News and Views* (Conn.), Mar. 25, 1947; John C. Crowley, "New State Laws Affecting Cities," *Public Management*, Nov., 1947, pp. 326 ff.; *Illinois Municipal Review*, Mar., 1947; Minn. Institute of Government Research, *State Government Research Bulletin*, No. 18, Feb., 1947.

15. F. Bane, "A Chart for State-Local Relations," *Public Management*, Feb., 1947, pp. 36 ff.

and be made more effective by improving administrative supervision. To date, supervision has been tried with respect to accounts, auditing, reporting, personnel, public health, education, welfare, highways, and a few minor activities.¹⁶ Legally and politically, it is desirable that local governments be consolidated and integrated. Without making the basic changes in structure called for, New Jersey has had some success with state-local co-operation.¹⁷ The central problem is to use all the resources of the state in the conduct of local government and not to throttle local initiative. The movement for county consolidation, county managers, and county home rule has won support in scattered states. More dramatic has been the progress of municipal home rule. By 1915, fifteen states had provided for home rule. Only one more was added in the next fifteen years and then the movement stopped abruptly.¹⁸ All the energy used by wealthier taxpayers in fighting grants-in-aid seems to have deprived them and others of zeal for real local self-government.¹⁹

Through all the comments, constitutional changes, new laws, surveys, and analyses of federal-state-local structure and relationships which appeared in 1945-47, there runs the red thread of the demand for reorganization, consolidation, integration, and administrative reform. Here and there little groups of earnest men gossip about self-government and citizen action. While it is these persons who provide the spark for all the reforms that have been discussed in this book, they cannot hope to achieve any effective solution to the problem of self-government unless and until our federal structure is rebuilt. While there appears to be no immediate prospect of federal constitutional change, fifteen states are now anticipating, writing and voting on new constitutions. Kentucky rejected the proposal to create a new constitutional convention in 1947, Michigan will vote on this question in 1948, Maryland in 1950, and Ohio

16. W. B. Graves, *op. cit.*, pp. 863 ff. The New York plan is widely endorsed, as is the New Mexico plan. In Indiana, the citizens are becoming skeptical about the Indiana plan.

17. W. T. Vanderlip, "Local Officials Guide State Program," *New Jersey Municipalities*, Nov., 1947, p. 13.

18. Cf. J. D. McGoldrick, *The Law and Practice of Municipal Home Rule* (New York, 1933). But see: Pennsylvania State Chamber of Commerce, *Research Report*, Dec., 1946; and Bureau of Public Administration, *County Home Rule for Washington*, Seattle, Sept., 1946.

19. The October and November issues of *Public Management* contain reviews of state laws affecting cities.

in 1952. The greatest interest in revision is shown by the southern states. But the need for new state fundamental laws is crucial; thirty-nine state constitutions are more than fifty years old, nineteen are more than seventy-five years old and those of New Jersey and the New England states have passed the century mark. Because there has always been a powerful and intelligent minority favoring good government in the New England states, the National Municipal League looks for great progress in this section during the next few years.

Chapter XIII

CONCLUSIONS AND PROPOSALS

In these concluding pages, let us see what should be done to correct the ills of American federalism. For the sake of convenience and clarity, we can proceed on the basis of three assumptions: (1) that we leave the federal-state system substantially as it is; (2) that we make significant changes in it; and (3) that we scrap the states and make a new beginning with regions and responsible government.

SOLUTION ONE: RETRENCHMENT AND REACTION

The advocates of minor improvements and major reverses in policy look with horror on change and complacently ignore the forces now threatening our stability and security. Sometimes they mutter nonsense about the dangers of communism and the impertinence of workers and farmers. Unrealistically, they refuse to comprehend the fact that recent discoveries, particularly in the field of atomic energy, have a profound effect on our way of life. In other words, their view is reactionary.

The reactionary view of federalism is now frequently expressed by local officials and local newspapers with no aspirations to further recognition beyond their own limited areas of prestige and profit. On a national level, the reactionary opinion was expressed in 1921 by Dr. Nicholas M. Butler, who said: "One of the most noteworthy of recent developments in American life is the zeal with which machinery is designed and built ostensibly to serve various public interests and undertakings, but in reality to control them. . . . There is not enough money in the United States, even if every dollar of it were expended on education, to produce, through federal authority, or through what is naively called coöperation between the federal govern-

ment and the several states, educational results that would be at all comparable with those that have already been reached under the free and natural system that has grown up among us.”¹

John G. Stutz, quoting Butler, went on to say, in January, 1947: “How true these principles ring today! Our social welfare, one of the most difficult functions which man or a government of men may undertake, is almost completely out of control both socially and economically, due to a system of federal aids and controls. Cities are now wrestling with the dragons of federal aids and federal controls of airport construction and operation. The conditions produced by federal housing aids and controls and federal employment and unemployment aids and controls are other shining examples of Dr. Butler’s observations. The citizens have kept only very few of their federal aid systems in line with our basic system of government—most conspicuous of which are the federal aid road program and the federal aid for vocational education. It is true that education is a national problem and a national responsibility; it is also true that it has been characteristic of the American people to solve their most difficult problems and to bear their heaviest national responsibilities through their own action in the field of liberty, rather than through the agency of organized government.

“Once more to tap the federal treasury under the guise of aiding the states, and once more to establish an army of bureaucrats at Washington and another army of inspectors roaming at large through the land, will not only fail to accomplish any permanent improvement in the education of our people, but it will assist in effecting so great a revolution in our American form of government as one day to endanger its perpetuity.”²

The reactionary view, is, then, first that there shall be a substantial reduction in federal grants to the states and a corresponding reduction in the number and activity of federal officials supervising and controlling the services made possible through federal financial assistance. A curious feature of this reaction is that it never defines very clearly what it means by “local.” The inference is always that “local” signifies “state,” and it makes no difference whether “state” may equal Texas or Delaware, New York or Wyoming. The motivation behind the

1. Cited in *Kansas Government Journal*, February, 1947, p. 9.

2. *Ibid.*

opposition to an enlargement of federal responsibility or the elimination of a function already established is seldom that the job shall be done better—*it is that it shall not be done at all!*

How else can one interpret the vigorous opposition to federal legislation respecting the poll-tax as a phase of the suffrage-qualifying process, or to a federal lynching act, or to federal fair employment practices legislation? Congressmen Bilbo and Rankin consistently held that the political, legal, and economic status of the Negroes is not a matter of general national concern; simultaneously, they have opposed "local" legislation to correct the evils designated in such acts. Accurately denominated, their position is conservative. They wish to prevent change and halt progress. But when they refuse to agree to adjustments made imperative by changing conditions and new national understanding, they are effectively reactionary.

Even more undeniably reactionary are those who would turn back the hand of progress, who would destroy national values already gained. "The banner of 'states' rights' too often has been raised simply to shield piratical enterprises from effective regulation. It has been employed to surround with immunity business interests which exploited child labor, or ignored sound safety principles in mines and quarries, or fought collective bargaining."³ Even though we have taken long steps forward as a nation in curbing dishonesty, cruelty, stupidity, and selfishness, there are always men with influence in the state governments who try to obstruct enforcement of law and to secure the repeal of progressive legislation already on the statute books.

The most determined reactionary attacks being made today relate to control of land and water. There are now 145,000,000 acres of federal range lands which, with certain state and private lands, are administered by the federal government. Almost irreparable damage was done by the destructive cutting of timber, overcrowding and overgrazing of the range, and the wasting of water-resources before the federal government initiated the policy of conservation. In the past twelve years, about \$10,000,000 has been spent to improve the range. Less than this has been received in fees, but of its receipts the federal government has turned half over to the states. There is now a

³. Chicago Sun, quoted by Frank Bane, in *State Government*, March, 1946, p. 48.

concerted drive by various interests in the West to turn the public lands over to private ownership and control—or to the states, which amounts to the same thing. If this reactionary move succeeds, resources belonging to the whole nation will be destroyed. This is one illustration of lengths to which the reactionaries would go. It is one of the most menacing threats to national prosperity and security.⁴

Another type of reaction is that which would encourage the federal government to spend millions of dollars on developing and conserving the water and power resources of the Colorado River, only to turn the power over to private distributors. Although not as dangerous as the diversion of public lands, proposals of this type retard the public welfare and reintroduce a corrupting influence in the conduct of public affairs.

Is there then nothing good the reactionary wants? Yes, indeed.⁵ He assumes that Americans in all states are by nature decent people competent to handle their own affairs. He is a pluralist, of course, for he prefers the local communities as the proper units for adjusting all grievances, or of deciding whether they should be placed on the agenda now. Most large industrial corporations are not, in this context, reactionary, since it is both expensive and inconvenient for them to favor states' rights. Once in a while, inconsistently, a corporation will encourage separatism in a particular venture where its managers see the likelihood of present profits. But it is hard to find any single index of reaction which will cover all groups and individuals.

Most of the specific recommendations of the evolutionists would be supported by the reactionaries. Many of them favor uniform legislation relating to marriage, divorce, and judicial procedure. Yet even though the latter favor specific steps in the nationalizing process, they oppose the trend itself. Not only do they desire that the federal government should withdraw its influence over the states, they want also that all governments should do less for the people.

4. Cf. R. Finney, in *Indianapolis Times*, March 4, 1947. Cf. also the disclosures by Columnists Stokes and Pearson early in 1948, of attempts by the oil lobby to deprive the people of enormously rich oil resources.

5. Examples of the reactionary mind are everywhere at hand. Typical of the class is William L. Chenery, publisher of *Collier's*, one of the leading reactionaries from the standpoint of his access to a large segment of public opinion. But his thinking is so incoherent, and his editorial policy so inconsequent as to render his influence negligible. Cf. his remarks in *State Government*, June, 1943, pp. 143-4.

The political faults of the Constitution and the bad practices which have developed under its aegis and under the authority of state laws, we shall have to try to eradicate by more education here, more supervision there. Since the greatest violations of the suffrage rights of individuals occur in the South, we can either hope and pray for improvement or, at strategic points, allow Congress to intervene by the exercise of its power of investigation—which is associated with its right to judge of “the elections, returns, and qualifications” of its own members. This is the procedure now in use. Section 4 of Article IV, which obliges Congress to “guarantee every state in this Union a republican form of government,” has never been clearly explained. It will probably never be enforced. If there should ever actually be any occasion for its use in the future, the issue would be determined by other forces than the fiat of the Supreme Court.⁶ The customary opinion among the reactionaries is that this and other provisions of the Constitution which appear to give Congress a right to interfere in state government are best left strictly alone. The only time in history when the federal government did directly interfere was during Reconstruction.

In the opinion of the reactionaries, every assumption of new duties by the federal government is unwise. Thus, they do all in their power to restrain the use of federal funds to sustain agriculture. Many a farmer who was saved from bankruptcy by Wallace’s “corn-hog” program denounced his benefactor in no uncertain terms. Even John L. Lewis, who has incurred the displeasure of the business group, has expressed sentiments perfectly in tune with those of the United States Chamber of Commerce. The leading defender of capitalism today, he is adamant in his resistance to federal encroachment and his defense of the right of labor to retain its competitive position vis-a-vis the employers.

Thus we see that the “reactionaries” are people of all classes who believe like most of us that our competitive-capitalistic democracy is fundamentally sound, but who are frightened about the growth of “Big Government” and who like to leave the conduct of public affairs in the hands of those who gain

6. *Luther v. Borden* (7. Howard 1.) is the only case based directly on the issue of a “republican form of government.” But see speech of Senator Wayne Morse, U. S. Senate, Aug. 3 and 4, 1948.

power through traditional means. All the opinions expressed and acts proposed by the reactionaries have in common the belief in *laissez-faire*, the hostility to effective government control of social, economic, and political life. They are hostile, that is, when they are denied the power to set the standards, establish the procedures, and, in general, use government as their private organization.

It is otherwise with the evolutionists.

SOLUTION TWO: CO-OPERATION AND EVOLUTION

In 1944, Governor J. Melville Broughton, of North Carolina, said:

"Those of us who believe in the fundamental principles of states' rights and local self-government may as well concede frankly that much of the almost terrifying expansion of federal encroachment upon the original domain of the states has come about because state governments failed to meet the challenge of the new day. Inadequate educational opportunities, archaic labor laws and regulations, unrelieved hardships and inequities suffered by the working people, low-pitched politics, and unjust class and race discriminations have all too frequently caused the people to lift their eyes beyond the horizon of state lines and call for relief from the federal government. Fortunately, there has been an awakened social consciousness in most of the states with a resulting quickening interest in state government. The best answer, indeed the only one, to the alarming and rapid spread of federal encroachment is to give the people a better government through state agencies. Conditions like these cannot be met either by harking back or moaning low."⁷

The "practical" or evolutionary solution to the problem of American federalism implies that we should accept the trend and promote "coöperation" without worrying too much about the consequences. In support of this view "it may be stated simply and accurately that changing times and conditions, as in the past, have made changes in government both advisable and

7. Cf. H. R. O'Connor, "The Sovereign States," *State Government*, Aug., 1945, pp. 176 ff. This is a statesmanlike opinion from the South. Another type of opinion is Gov. Thompson's demand for more help; and a third is Rueben Davis, "Why Not Leave the South Alone?" *Saturday Evening Post*, Nov. 22, 1947, pp. 30 ff.

necessary.”⁸ The proponents of coöperation do not, however, recognize or desire any net loss of power by the states. “But whatever,” they say, “the shift of power from the states to the central government, whether resulting from the exercise of originally granted or more recently acquired powers, the fact is that the increase in number of functions of the national government has not resulted in a decrease in the number or magnitude of functions of state government. On the contrary, due to the trend toward coöperative federal-state administration and operation, activities of states have rapidly increased.”⁹

It is observed and related that, from 1902 to 1922, an average of 1.4 per cent of state revenues was derived from the federal government. In that latter year, they went up to 8.1 per cent; in 1932, the national contribution was 10.8 per cent and in 1942, it was 13 per cent. During this time, the states, in an effort to match federal grants, raised their revenues and increased the cost payments for general departments by well over 100 per cent. New Mexico more than doubled both revenues and costs.¹⁰ These trends do not alarm the defenders of coöperation. They observe that the problem of centralization vs. decentralization has afflicted all governments and needs only continuous study and a reasonable spirit.¹¹ They note that different standards must be fixed for different types of activity. “The success of one type of program may depend on the response of the people and another on the perfection of the administrative machinery.” Economy and efficiency, they say, would be the decisive factors in some activities, such as running traffic counts or making geologic surveys. But where the acceptance and coöperation of the people is necessary, politically satisfying methods would have to be used; “the ultimate objective would be the compelling consideration.” “Coöperative government,” they assert, “is

8. Editor, “The Growth of Coöperative Government,” *State Government*, Jan., 1944, pp. 260 ff. Gov. R. L. Cochran’s, “The States Join Hands,” *This Week*, Dec. 4, 1938, is a good summary of coöperation.

9. *Ibid.*, William Anderson, “Federalism, Then and Now,” *State Government*, May, 1943, pp. 107 ff. J. A. Burdine, “National-State Coöperation with Special Reference to Texas,” *Arnold Foundation Studies*, Vol. II, No. 3, Winter, 1935 (Dallas, Texas); Frank Bane, “Report to the Board of Managers of the Council of State Governments,” *State Government*, January, 1947, pp. 20 ff.

10. See comment in *Tax Talk*, October 26, 1940.

11. Cf. H. J. Bitterman, *State and Federal Grants-in-aid* (Chicago, 1938), p. 4; C. E. Merriam, in *State Government*, Jan., 1943. Merriam is not, strictly speaking, an evolutionist; he is, rather, a political scientist with no fears about our ability to work out some kind of solution.

predicated on the utilization of the total resources of the American people to the extent these resources can be made available through the combined machinery of national, state, and local governments and all associations and organizations thereof. It is a system which enables the national government to develop a national program within the scope of the American constitutional system with due allowances for local, state, and regional variations . . . It avoids the creation of a tremendous, centralized national administration operated through an organization imposed on the states and localities often in duplication of existing government and to the confusion of the people.¹²

William Anderson, writing in May, 1943, thought it very significant that Acts of Congress extending federal powers "once struck down" by the Supreme Court, "rose up again in new form," and (that) since 1937, the court has not "declared unconstitutional a single act of Congress." "The new court since 1937," he declared, "has had the statesmanship and the broad intelligence to recognize the facts of nationalism to which the old court had closed its eyes. It sees that many of the economic and social issues which confront the whole people cannot be dealt with successfully without national action . . . It rejects the theory of a necessary antagonism or conflict of interests between the States and the National Government."¹³ The federalism of today, Anderson believes, is functional federalism. We have entered upon an era of active government and placed *laissez-faire* and negativism behind us. Large scale administration is here to stay. The immediate problems of the future are to obtain as much coöperation between Congress and legislatures as there is between president and governor; to acknowledge the "increasing dominance of the national government but not to strangle the states, diminishing their revenues or reducing their activities." But alas, "the right formula has not yet been discovered." We can only encourage "a deliberate reappraisal and demonstration of the role of the states in the national social order that now exists, and an attempt to reëducate the people in the values of self-government in state and local communities."¹⁴

12. All the above quotations are from Ed., *State Government*, Jan., 1944, p. 262.

13. William Anderson, "Federalism, Then and Now," *State Government*, May, 1943, pp. 107 ff.

14. This and preceding quotations are from William Anderson, *op. cit.* The

Since the Council on State Governments is the chief agency for preserving the state governments and making them more effective, a glance at its 1947 program will tell us exactly what is in the wind. The Council, after submitting its program to regional meetings of state legislators and officials, prepared a list of recommendations to present to state legislatures. These are:

1. Channeling federal airport funds through state aviation agencies.
2. Authorizing municipal governments to establish organizations and procedures for the use of state and federal funds in building airports.
3. Creating a state aeronautics commission.
4. Providing a method of expediting airport condemnation.
5. Passing an airport zoning act.
6. Facilitating the coöperation of the state and federal governments in hospitals surveys and construction.
7. Authorizing the purchase of International Bank obligations.
8. Facilitating the employment of handicapped persons by private industry.
9. Providing for better coöperation with the federal government in the administration of the School Lunch Act.
10. Removing the disabilities now imposed on veteran minors.
11. Providing for more expeditious marketing of farm products.
12. Establishing a state marketing bureau.
13. Making uniform agricultural products inspection certificates and establishing them as prima facie evidence.
14. Enacting a uniform state insecticide, fungicide, and rodenticide law.
15. The same — for controlling pullorum disease of poultry.
16. Amending the uniform state seed law, increasing protection against noxious weeds.
17. Providing for the enrichment of white flour and white bread.
18. Prohibiting misrepresentation in the sale of surplus properties.
19. Improving the missing persons acts.
20. Establishing the legal status of the state plane coördinate system.
21. Making the proof of wills act more fair to men in the armed forces.
22. Establishing standards for state adoption laws.
23. Establishing a 16-year minimum age for employment.
24. Expediting the state crippled children's programs.

mayors are skeptical. See "Our State Governments—The Weakest Link in the American System of Government," the *United States Municipal News*, April, 1948.

This is about as exhaustive a list as one can find. It represents the "practical" approach very faithfully. Moreover, most of it will be enacted, if not in 1947, at some subsequent date. This is the sort of thing which must be done if we are to accept the status quo in federalism.¹⁵

In the opinion of Frank Bane, the director of the Council of State Governments, the future of state government depends "less on its constitutional and legal prerogatives than on what it can contribute to the general welfare." In retrospect, he pointed with pride to the council's record in fighting trade barriers, developing state compacts and agreements, facilitating national-state coöperation in the organization of selective service, civilian defense, and effective and humane alien registration. He gave evidence also of the Council's unremitting efforts to improve state administration and to prepare for the post-war period.

The central philosophy of the Council's program is evolutionary. It seeks to adapt our federal structure to current needs and new conditions by coöperation and administrative reform.¹⁶ But as one unit of the 1313 Public Administration Clearing House, coöperation is only its special preoccupation. It supports and coördinates the efforts of the professional federated tax administrators, personnel specialists, planning authorities, welfare officials, and housing experts to raise the entire level of legislative, judicial, and administrative efficiency. Specifically this group has recommended that the legislatures be improved by:

1. Adequate compensation for legislators.
2. Full time service.
3. Removal of constitutional restrictions.
4. Provision of competent assistance.
5. Possibly, a unicameral legislature.

15. See *State Government*, Jan., 1947. This procedure is used every year. Earlier recommendations may be found in *State Government*, Nov., 1946. As a matter of fact, state governors recommended and legislatures accepted a large part of this program. *Ibid.*, Feb., July, 1947.

16. See F. Bane, "States Rights and States' Responsibilities," *State Government*, Jan., 1945, pp. 48-49. Beard, in his rambling *The Republic* (New York, 1944, pp. 259-260), after relating some of the attempts made to create "competent, efficient and responsible government," said "... if the talents of the country were concentrated once more on the first principles of such a government, the Constitution as it now stands would give them an almost limitless scope for accomplishing the design of adapting our Government to the needs of our society." See also Henry Commager's documented defense of an expanded nationalism in *The New York Times Magazine*, Nov. 28, 1947.

They further recommend that administration:

1. Should be completely divorced from politics.
2. Should be reorganized to prevent overlapping and duplication.
3. Should have a reformed staff service, unitary budgeting, and fiscal procedures.
4. Should adopt the merit system.
5. Should introduce administrative planning.¹⁷

These same interests, which are the interests of the specialists in state government, are aware of the necessity of explaining their activities and of defending them against charges of subversion. Most of the specialists are "practical" men: their solution is always a "practical" one. Seldom do they offer any philosophical justification of their role. Probably one should look for it in the writings of Theodore Roosevelt, who first called the governors together in 1908. Or in the writings of W. A. White, who seems never to have had any direct contact with them, but whose attitude toward public life was identical. "The democratic process," White wrote in 1939,¹⁸ "then, is a social order which gives freest play to that common kindly impulse of organized humanity . . . the democratic process does release, so far as the wisdom of the day and time will profitably permit, the centripetal gravities in man the individual, and in man in the mass, whether he incorporates in business, organizes in government, or crystallizes in a social order. The evolutionary processes of democracy give humanity's noble impulses a chance to function, and, by trial and error, to fail or triumph."

Although the reactionaries frequently support measures promoted by the evolutionists, they do not accept the trend toward a new coöperative federalism. The evolutionists, on the other hand, seldom offer any encouragement to proposed measures of political reform. They believe that uniform laws, improved administrative procedure, scientific and responsible taxing, budgeting, and accounting practices, the merit system in personnel administration, technological and procedural competence, and a responsible, capable, and honest judiciary are of the first order of urgency. Although they are strongly opposed to dishonesty in administration, injustice in the courts, and ig-

17. L. C. Riethmayer, *op. cit.* Cf. Beard's warning against "smooth formulas" in *Tax Outlook*, Dec., 1947, pp. 8-10.

18. *The Changing West* (New York, 1939), p. 116.

norance and intimidation in the legislative and electoral system, they hope that, in time, administrative regeneration will have an exemplary effect and believe that immediate crises in welfare, housing, education, corrections, and financing will be averted or solved by scientifically applied remedies.

SOLUTION THREE: REORGANIZATION AND REGIONALISM

The final solution is revolutionary in tempo and spirit, but not in method. This is the proposal that we should fundamentally reorganize our form of government, adapting it to the needs of our time, but preserving intact our historic devotion to the principles of the Declaration of Independence and a fixed constitution. Since they are impelled by the severity of the crisis now confronting us to seek immediate reforms of a sweeping character, there inevitably arise among the "reorganizers" differences of opinion respecting the urgency of reforms and the rate of adjustment. Although impatient in their attitudes toward current methods of improving our federal structure and administration, they are not optimistic. Being extremists, they tend also to become unitarians, staking all their hopes on one favored reform.

The growing complexity of international problems which involve particularly one or more states suggests that a reorganization and redefinition of powers is essential. Interference and obstructive delays by local (state) interests have dangerously hampered the satisfactory solution of the problems of the Atlantic fisheries, the halibut fisheries and the Fraser River salmon fisheries. The same kind of thing has blocked the federal government in its efforts to make proper agreements with Mexico with respect to the division of the waters of the Colorado and the Rio Grande.¹⁹ But the resistance of the states to the strengthening of the national government is always overemphasized. The issue has never been clearly presented. Who can read the publication of progressive bodies, such as the Kansas State Chamber of Commerce,²⁰ without feeling that even the conservative has a natural liking and aptitude for planning? A

19. Cf. F. L. Zimmerman and M. C. Davis, "Federalism and International Organization," *State Government*, Jan., 1946, pp. 17 ff. This article is required reading for the inquiring student.

20. See, for example, *Progress*, Jan., Feb., 1943.

regional reorganization based on thorough study and sound scientific principles would appeal first of all to engineers, production managers, and competent businessmen. It would have a similar attraction for farmers, who are not gamblers through any defect of character. Workers, too, under the enlightened leadership of men like Walter Ruether, are beginning to see that security and happiness are possible only in a planned society. Actually there is a stupendous reservoir of potential planning opinion in the great mass of the people, needing only a major crisis and a strong convincing articulation to make it actual. Taking opinions such as those of the late Justice Cardozo, who said, "Only a power that is national can serve the interests of all" (*Helvering v. Davis*, 1937) as their aim, the reformers search for a type of organization suited to the objective.

We have perhaps made it abundantly clear that many of our current planning difficulties are due to the scrapping of the National Resources Planning Board. During the war this agency, in one of its final reports, made suggestions about preparing for peace which almost exactly duplicated those of Winston Churchill in his famous speech of March 21, 1943.²¹ Whatever one thinks of Churchill, it is a fact that he knew how to state great issues in language of compelling lucidity. Both parties urged the need for immediate plans, which should have popular approval. The NRPB, in a sanely objective manner, made recommendations regarding social insurance, health, education, youth programs, housing, public construction, finance, price policy, unemployment, public enterprise, and agriculture, which, if they had been followed, would have dispelled the confusion which now encompasses us.

Needless to say, neither Churchill nor the NRPB can be stigmatized as socialistic. Each endeavored to find a formula for preserving private enterprise and capitalism. The American agency did not even touch the question of reorganization of our federal structure. It is accordingly submitted that if a middle course between "tinkering" and regional reorganization is to succeed, it should follow the lines laid down by the NRPB.

But there is implicit in the studies of the NRPB a more drastic resolution of our current difficulties which will profoundly alter the position of the states. The first of these is to

21. See the comparison in *State Government*, May, 1943, pp. 115 ff.

recognize the fact of metropolitan growth and to provide for the establishment of metropolitan "states," divorcing them almost completely from the control of the rural and small-town sections of the states to which they are now bound.²²

The second principle is to proceed with the creation of river valley authorities, conferring on them power and facilities for the planned organization of land utilization, flood control, water-power exploitation, rural electrification, irrigation, and social rehabilitation which will effectively establish them as super-states, greater than the old political states which they severally include — but subordinate to the nation.²³ In practice, decentralization and community self-government have been vigorously promoted.

The unparalleled success of the Tennessee Valley experiment points up this approach to the achievement of a healthy and progressive liberalism.²⁴ We have already made plans to harness the forces of the Missouri River by the same method, and it is only a matter of time until we apply the same tested principles to the Columbia and Colorado River systems, still burdened by an archaic and inefficient type of administrative organization.²⁵ So dramatic and dynamic has the example of T. V. A. been that we cannot afford to miss its significance. It was born of a desire to tap wasted resources and to remedy appallingly destructive evils, and to do these things without jeopardizing the position of the states or the rights of the local governments. The opposition to river valley projects is limited to those who fear the loss of their own political power, the undermining of their own

22. C. E. Merriam, "Urbanism," *American Journal of Sociology*, March, 1940, pp. 720-30. For an interesting British view, see G. D. H. Cole, *Local and Regional Government*, C. Cassell, London, 1948.

23. Much of this is anathema to congressmen, but the floods in the summer of 1947 compelled many of them to examine a horizon broader than the ways and means committee room. But, unfortunately, they are still juggling the issue on a state basis.

24. See Lister Hill, "Rivers and Prosperity," Bliven and Mezerik, *op. cit.*, pp. 140 ff.; D. E. Lilienthal, *TVA-Democracy on the March* (New York, 1944), and his "Big Government Not Inevitable," *National Municipal Review*, Feb., 1947, pp. 65 ff. Also G. R. Clapp, "Local Government and the Growth of a Region," *Speech*, Nashville, Tenn., Nov. 12, 1947. M. L. Cooke, "Plain Talk about a Missouri Valley Authority," *Iowa Law Review*, Jan., 1947, reprinted as extracts of remarks of Hon. James E. Murray, *Cong. Record* 80th Cong. 1 sess., June 10, 1947.

25. Cf. *State Government*, September, 1946 (entire issue). W. C. Clark, "Proposed Valley Authority Legislation," *American Political Science Review*, February, 1946, pp. 62-70, summarizes recent bills and proposals to establish valley authorities on basis of the T. V. A. pattern.

systems of influence. But the administrators of T. V. A. have sedulously avoided interfering directly with existing political processes. It is just that machine politicians perceive that when the little man in the community is better housed and has more of the comforts of life, enjoys more protection from floods, disease, and unemployment insecurity, he loses his fear of the bosses and the hirelings of the bosses and his utter dependence upon them.

The third and underlying principle to be deduced from the program and studies of the NRPB is the emphasis on the scientific-prudential method. Merriam, Ruml, and Delano, who charted the course this great agency of government was to follow, believe that every hypothesis about the machinery of government must be tested by a continual assembly, evaluation, and reappraisal of the facts. They reject oratory as an instrument of research and recapitulation. If legislation and policy making is an adaptive process, there must be an accurate, valid statement of just what has to be adapted to what. Even Beard would agree with them that "simplicity may be the essence of tyranny. It is usually in complexity that we find liberty." But to the planners, complexity need not be confusion. They recognize that the forces which move society and the obstacles which stand in the way of the realization of our goals and our potentialities are complex — but problems must be clearly stated, ideals must be restated and reaffirmed, methods of study must be refined, and processes of adjustment must be recreated if we are to meet the challenge of our times.²⁶

Although many reformers would not be aware of any debt to Merriam and the NRPB,²⁷ the fact is that Merriam and the planners have provided political science with a method which justifies the strivings of the "radicals" to make the union more perfect, maintain justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty to the people of the United States.

If we now use the word "radical," we do so with respect for its true meaning: one who goes to the *root* of political problems.

26. See the works of Merriam and Ruml, as well as A. J. Toynbee, *The Study of History*, a monumental work summarized in *Time*, March 17, 1947.

27. Cf. L. D. White, et al., *The Future of Government in the United States: Essays in Honor of Charles E. Merriam* (Chicago, 1942); G. B. Galloway, et al., *Planning For America* (New York, 1941); Saul Alinski, *Reveille For Radicals* (Chicago, 1946).

The true radical is one who has greater concern for ends than means, but he does not affirm that the ends justify any means at all. Being not impractical in larger things he recognizes that certain traditional structures, procedures, and techniques enjoy a veneration out of all proportion to the results achieved under them. His thinking is scientific but because we have not yet evolved a science of politics, his methods are sometimes abrupt. Radicals keep their sights on the results they wish to be achieved. All radicals are united in the belief that man should strive to improve the lot of all and to use the good impulses and capacities of each toward this end. They differ only with respect to what each thinks is most urgent.

The radical would not oppose measures for improved budgetary, accounting, and auditing procedures favored by the more honest reactionaries and the meliorists. But he would not place them so high on his order of urgency. Consequently, he is indifferent toward most taxpayer associations and organizations of entrenched interests — civil servants, manufacturers, privately-owned public utilities, and large-scale farmers. When he becomes suspicious of interest-groups he may even work against them, opposing all their demands whether good or bad. Some radicals work only a local level, and win their reward by minor adjustments of local inequities, precisely as do the reactionaries. Others address themselves only to the nation, to Congress, and urge national reforms in one sphere which rob them of what they have gained in another. Thus, popular pressure for greater mobility and migration opens up new opportunities for the individual but before long he has to pay double for subsidies to the unplanned communities he has deserted. Or, take the case of the bondholder. He supports large public expenditures to be met out of the proceeds of bonds in which he has invested his savings. Then he demands a reduction in the debt which curtails his interest earnings and causes taxes to rise to confiscatory heights.²⁸ But all radicals prefer efficiency to inefficiency, honesty to dishonesty, industry to inactivity, and collective strength to individual weakness.

The "radical" answer to the problem of politics, that is,

28. Cf. H. D. Lasswell, "The Person: Subject and Object of Propaganda," *The Annals*, May, 1935, pp. 187 ff.; also his *Politics: Who Gets What When How* (New York, 1936); B. J. Hovde, "Critique: American versus German City Planning," *The Journal of Land and Public Utility Economics*, Aug., 1947, pp. 239-243.

creating a uniform, constitutional representative system of government, is a diffused one. Some reformers believe that by judicial and congressional action we can make the qualifications for suffrage uniform. Others hope to get the concurrence of the state legislatures in passing universal laws establishing the short ballot, the secret ballot, the use of voting machines, and uniform regulations of political parties.²⁹ Still others work for the adoption of proportional representation by cities and other minor units of government.³⁰ Two groups favor Home Rule for local units, one desiring the localities to have general powers and the other wanting them only to exercise "local option" with regard to alcoholic beverages. A significant body of opinion supports the movement for citizens councils; but appalled by the magnitude of the task of reforming entire state governments, limits itself to reporting and encouraging local revolutions and community reorganizations in scattered cities.³¹ Small "radical" parties demand the destruction of the capitalist-democratic system, and win only one office here, another there. The communists, with no appreciable official gains — not one congressman, state legislator, or executive — evoke from the Secretary of Labor the demand that they be outlawed.³² Other extremists, at the other end of the scale, have already been outlawed. Indiana and Georgia, once centers of Klan activity, have determinedly rejected fascism — if that can be done by depriving organizations of intolerant men of their political rights.

While finding in all of these movements for political reform (except the latter) some cause he can endorse, some remedy he can sponsor, the true radical believes that only a complete overhauling of our entire governmental, political, legislative, administrative, and judicial structure, will meet the needs of the time.

He begins with planning and asks that research and study³³

29. These reforms are discussed in the writings of Brooks, Herring, Key, Merriam, Munro, Odegard, Parrington, Sait, and Wilson.

30. See especially G. H. Hallet, Jr., and C. C. Hoag, *Proportional Representation—The Key To Democracy* (Washington, 1937).

31. Publications of the *National Municipal League*; C. E. Merriam, *What Is Democracy* (Chicago, 1941); E. M. Sait, *Political Institutions* (New York, 1938); A. N. Holcombe, *Government in a Planned Democracy* (New York, 1935); Carl Becker, *Modern Democracy* (New Haven, 1941); Reports of the National Conference on the Community, West Point, Oct. 7-11, 1947.

32. See daily papers, March 11, 1947.

33. See NRPB *Research: A National Resource* (Washington, 1941).

be continued. Next, he asks that the states be abandoned in favor of regions, roughly equal in size and importance, and that these regions have functions aggregating those now performed by the states and federal regions. The exact definition of the regions and assignment of functions he would leave to a constitutional convention. By national taxation and borrowing and by grants-in-aid he would hasten the process of equalizing the burdens and benefits of government now being attempted on a "coöperative" state basis.

He believes that the transformation of states into regions would elevate, not debase, public policy and the standards of administration. In the South, the forces of enlightenment struggling now in Alabama, Tennessee, North Carolina, and Georgia would triumph over the poverty and ignorance and backwardness found in all the southern states. The South would lose that political inflexibility which now rests on the consent of state machines having a narrow class basis, and yet would not lose the subventions which its disadvantaged regional economy requires the federal government to give it.

The radical is neutral with respect to the current controversy over whether the courts should be inferior to the "political" branch of government or whether the executive should or should not dominate the legislative branch. What he wants is a reorganization which puts each major duty back in its proper place. He views with approval the reorganization of Congress with longer terms, a broader base — preferably by some degree of proportional representation — and congressional responsibility. He would have permanent under-secretaries in the administration and a civil service modeled after British experience.³⁴ The structure of the courts he would only slightly change, retaining in large measure the existing federal organization and adapting the state courts to the new regional divisions.

By private means, with public aid in providing machinery, he would energetically promote the organization of community, sectional, and regional citizens' councils. The personnel to fill the new offices he would prepare by introducing more civic education in the lower schools and by consolidating the efforts of higher schools to train specialists in government. These "spe-

34. Improvements noted, of course. Cf. J. P. Malleliu, *Passed to You Please* (London, 1943).

cialists" he would require to know something of medicine, engineering, planning, psychology, education, art, and literature. And he would make it obligatory that all graduates of higher institutions of learning should be equipped to judge intelligently the merits of competing political proposals. Lastly, he would improve and extend adult education courses so that those who aspire to or hold leading positions in the community may keep abreast of current political thought.

Although many radicals urge the introduction of some form of "responsible government," they differ widely with respect to how responsibility should be enforced. A few desire a longer term for the president, while others want his term shortened. The majority seem no longer to be favorable to Wilson's suggestions for congressional responsibility, which would incorporate the European system of prime ministers, parliamentary cabinets, and legislative responsibility — with new elections on proof of loss of confidence in the government — into the American form of government. But all agree that the federal system cannot be changed without first or concurrently redefining the powers and sharpening the responsibility of the President, the Cabinet, and Congress.³⁵

Finally, the radical would go back to the historic constitutional documents, and find in them principles to guide his adaptation to modern technological and social conditions. He would want all Americans to be free, to enjoy security, happiness, employment, and justice, and to utilize our resources at the optimum rate. He would not interfere with a man's devotion to his neighborhood, his city, or his state. These would be left as cultural entities. A Texan would still be a Texan, but no man would be inferior to his neighbor because he "belonged" to a minority group currently out of favor with the locality's social, economic, or political elite.

SUMMARY

It is fairly certain that the reactionary view will not prevail, even though it appears to be strongest at the present time. Its weakness lies chiefly in the fact that it opposes greater federal authority in general but does not effectively resist specific ex-

35. A. H. Hehmeyer, *Time for Change* (New York, 1943) and references given, pp. 199-204.

tensions of federal "encroachment." The reactionary hostility to increased social security and more governmental expenditures for education, hospitals, highways, and similar purposes flies in the face of a growing national recognition of the unity of the American people and of the obligations of our more fortunate citizens toward the underprivileged and undernourished.

The coöperative, or meliorist, approach is paramount among the governmental officials who work with the Council of State Governments and its associated agencies in the Public Administration Clearing House. Even if reaction should gain a temporary ascendancy during the next few years, it cannot long retard the gradual trend toward official collaboration among the working administrators and active legislators on all three levels of government — federal, state, and local. Many of the real evils complained of by the reactionaries, such as top-heavy federal administrative structures and conflicting directives, will be corrected by the meliorists themselves.

Whether the radicals succeed in getting the adoption of their reforms depends on the way in which the present world crisis is resolved. The radical solutions to the problem of the states in our union are various and do not command united support. Those who feel that there is need for a new level of government — the region — between the nation and the citizens in the community have no great ideological attachment to regionalism. They are reasonable men who look upon the new federalism as desirable, and perhaps inevitable, but who feel that their energies are more profitably expended in other directions. Many are now concerned with international problems of security, welfare, and prosperity. The ideological radicals who would change our entire political, economic, and social system tend to dwell upon grandiose schemes for world, national, and state reorganization which repel the average man by the immensity of their conceptions. A Governor Edison can speak eloquent words of warning when he deplores our failure to solve the problem of the automobile and our apparent helplessness before the challenge of atomic energy. Even experts seem unable to comprehend the awfulness of the impact of technological change on political processes. One can only venture the belief that radical changes in the structure of our federal state, in the methods of electing legislators and executives, in the organization of inven-

tion, deliberation, and control will slowly be adopted and then, like the manager-council plan in city government, spread rapidly. There are opportunities for remunerative activity in promoting such advanced practices as uniform accounts, effective audits, the merit system, legislative reference bureaus, the short ballot, uniform suffrage regulations, and proportional representation. But the outlook for really intelligent effective action in the whole domain of government is not promising.

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APPENDICES

1.

INSTITUTIONAL SOURCES OF INFORMATION

I. ASSOCIATIONS, OFFICES, INSTITUTES

*Which Concern Themselves With State Government,
or Matters Relating to the States*

Institute of Public Administration, 684 Park Ave., New York 21, N. Y.
National Municipal League, 299 Broadway, New York 7, New York.
Public Administration Clearing House; and related organizations, especially Council of State Governments, 1313 East 60th Street, Chicago 37, Illinois.

II. PERIODICALS

Annals of the American Academy of Political and Social Science, bimonthly, American Academy of Political and Social Science, 3457 Walnut Street, Philadelphia 4, Pennsylvania.
Journal of Politics, quarterly, Southern Political Science Association, University of Florida, Gainesville, Florida.
National Municipal Review, monthly (except August), National Municipal League, 309 East 34th Street, New York, New York.
Public Administration Review, quarterly, American Society for Public Administration, 1313 East 60th Street, Chicago 37, Illinois.
Public Management, monthly, International City Managers' Association, 1313 East 60th Street, Chicago 37, Illinois.
Report of the American Municipal Association, biweekly, American Municipal Association, 1313 East 60th Street, Chicago 37, Illinois.
State Government, monthly, Council of State Governments, 1313 East 60th Street, Chicago 37, Illinois.
The American Political Science Review, bimonthly, The American Political Science Association, 209 South Hall, University of Wisconsin, Madison 6, Wisconsin.
The Southwestern Political and Social Science Quarterly, Southwestern Social Science Association, University of Texas, Austin, Texas.
The United States Municipal News, biweekly, The United States Conference of Mayors, 730 Jackson Place, Washington 6, D. C.
The Western Political Quarterly, Western Political Science Association, University of Utah, Salt Lake City, Utah.
State Leagues of Municipalities publications: such as *Minnesota Municipalities*, League of Minnesota Municipalities, Municipal Reference Bureau, University of Minnesota, Minneapolis, Minnesota; *Michigan Municipal Review*, monthly, Michigan Municipal League, 205 South

State Street, Ann Arbor, Michigan; *New Jersey Municipalities*, monthly (except July, August, September), New Jersey State League of Municipalities, 1212 Trenton Building, Trenton, New Jersey; *The Municipality*, monthly, League of Wisconsin Municipalities, 30 East Johnson Street, Madison 3, Wisconsin.

Publications of State Taxpayers' Associations: such as *The New Mexico Tax Bulletin*, Taxpayers' Association of New Mexico, P. O. Box 557, Santa Fe, New Mexico; *The Arizona Taxpayer*, bimonthly, The State Taxpayers' Association of Arizona, Phoenix, Arizona.

III. TAXPAYERS' AND OTHER CITIZENS' ORGANIZATIONS; RESEARCH ORGANIZATIONS

Nearly every state has one or more taxpayers' associations. Headquarters are located usually in the capital city. Several of these publish journals, of which the following are typical: *The Arizona Taxpayers' Magazine*; *Taxegram*, of the New Jersey Taxpayers' Association; *The Utah Taxpayer*; *The Wisconsin Taxpayer*. Mr. Rupert F. Asplund, of Santa Fe, New Mexico, is an authority on these associations.

Of the State Chambers of Commerce, the best work is done in Indiana, New York, Pennsylvania, and a few other states. Pennsylvania also has an Economy League, represented in other states by variously-named organizations. The United States Chamber of Commerce, Washington, D. C., and the Tax Foundation keep in touch with all these organizations.

Nearly every state supports a League of Municipalities. Several of these publish journals, the best being *Minnesota Municipalities* (Minneapolis 14, Minnesota). Contact with these may be made through the American Municipal Association, 1313 East 60th Street, Chicago 37, Illinois. The United States Conference of Mayors, 730 Jackson Place, Washington 6, D. C., keeps in touch with all municipal and many state and federal officials.

Other types of organizations, such as university bureaus of public administration, community councils, and citizen federations, may be reached through the National Municipal League, the University of New Mexico, Division of Government Research, or the Institute of Politics, Indiana University.

2.

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Although nearly all the references cited in this volume are useful and valid, and probably will continue to be useful for another ten years, reliable and accurate current data can be had only by consulting current publications of the state governments, the Council on State Governments, the National Municipal League, and similar agencies. Some of the books or periodical articles cited below have been referred to or cited in the text; others are new and have appeared since the text was completed.

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